

**CITY COUNCIL MINUTES**  
**January 26, 2015**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, January 26, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

**President Adams:** The Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, let's call the roll.

**ROLL CALL:**

**Present:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

**President Adams:** There being nine (9) members present and zero (0) absent, and the nine members representing a quorum, I hereby declare this session of the Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

I would like Councilman Weaver to lead the Pledge of Allegiance tonight.

Fellow Councilmembers and everybody in the audience, welcome to our January 26 meeting. This is the second meeting of the year. I personally want to thank you all for coming on this cold night but I think it's important that we're all here together.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience that need to be recognized?

**TEEN ADVISORY COMMITTEE:**

Are there any Teen Advisory people up here that would like to identify themselves in a cogent manner?

**Councilman McGinn:** This future Vanderbilt student would like to introduce herself.

**President Adams:** Wow, Vanderbilt.

**Abby:** I'm Abby and I'm a junior at Central High School.

**President Adams:** What's your major?

**Abby:** I want to be a major in neuroscience.

**President Adams:** Terrific.

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* I've got one.

**Veronica Rickets:** I'm Veronica Rickets from North High School; I'm a senior.

**President Adams:** And your interest?

**Veronica Rickets:** Early childhood education.

**President Adams:** Terrific. Now most of the wonderful progress is made in the first five years of life in terms of brain development and so forth at any rate.

### **COUNCIL ATTORNEY**

Our Council Attorney is Scott Danks.

### **SERGEANT AT ARMS**

We are very fortunate tonight to have Officer Porter with us as our Sergeant at Arms.

### **APPROVAL OF MINUTES**

Is there a motion to approve the minutes of the January 5<sup>th</sup> meeting of the Common Council?

**Councilman O'Daniel:** So moved.

**Councilman Friend:** Second.

**President Adams:** I have a motion and a second. All those in favor? Opposed?  
*(Unanimous Ayes)* So be it.

### **REPORTS AND COMMUNICATIONS**

#### **IN YOUR JANUARY 23<sup>RD</sup> PACKET:**

- \* Ordinances G-2015-2, R-2014-24 Amended, R-2014-25 Amended and R-2015-1
- \* Evansville Redevelopment Commission Meeting Minutes for December 16, 2014
- \* Area Plan Commission Report and Meeting Minutes dated January 8, 2015

#### **EMAILED MATERIAL:**

- \* City Council Meeting Minutes from January 5, 2015

#### **ON YOUR DESK THIS EVENING:**

- \* Extended and Revised Agenda for January 26, 2015
- \* 2014 City of Evansville Annual Investment Report
- \* Weights and Measures December - January Monthly Report
- \* Ordinances G-2015-2 Amended and G-2015-4

**President Adams:** Is there a motion to receive, file, and make these Reports and Communications a part of the minutes of this meeting?

**Councilwoman Mosby:** So moved.

**Councilman Weaver:** Second.

**President Adams:** I have a motion and a second. All those in favor? All those opposed? (*Unanimous Ayes*)

I'm going to take a little liberty here as the Chair and we are going to enjoy a Shakespearean aside, have our esteemed mayor come up and give a short report on the hotel. Obviously he is quickly responding to our request of two weeks ago.

Thank you for joining us.

**Mayor Winnecke:** Thank you Mr. President, members of the Council. Before I talk about the hotel I would like to update you quickly on a situation that occurred a week ago yesterday at the C.K. Newsome Center. I had a conversation with Dr. Adams and Councilwoman Robinson shortly after the incident there. As you know, there was a shooting in the gym. There were about 40 people inside the gym during open-gym time on a Sunday. Thankfully, no one was hurt and thankfully the Evansville Police Department did good work and caught the suspects that were involved in the shooting, and it's been...those folks are behind bars. A couple things have happened since then. I've asked Denise Johnson, the Director of Parks and Recreation, to develop more structured weekend programing there so there's not...we just want to ensure that the young people there are involved in constructive activity so they are reaching out to members of the community to determine the right kind of structured programing and that will, hopefully, be in place as quickly as possible.

Secondarily, we are making a number of security upgrades to the building, including the installation of security cameras. We hope to have that in place within a matter of weeks.

And last, but not least, as a result of the activity there we think it's important to relocate some offices so police, the community policing area that is now housed on W. Columbia Street, will move into the area that is currently occupied by the Parks and Recreation and the Evansville EPA, and those two offices will relocate to the W. Columbia Street location. The Parks Department will continue to manage and operate the programing within that building but they'll do it from the site on Columbia Street. The Building Authority is currently working on space needs for all three areas. We hope that move can be...can take place sometime in the next several weeks so I thought you would all like to know what's going on there.

Related to the hotel, I had a great conversation last week with Rick Huffman, the president of HCW. After that conversation I talked to Dr. Adams and ask for a few minutes of your time tonight to update you on the status of the project.

Going back to mid or late December, as you know, we announced the project was being delayed as a result of funding activity in the private sector, and then over the course of that time, between then and now, we've had a number of discussions about how we can keep this project on track.

Shortly after the holiday period, it was suggested that the project be redesigned by eliminating the apartment tower component. If you'll recall, the apartment towers were going...the apartment tower and the associated approximately 100 apartments were being built privately; no public investment there. We talked about the prospect of removing that piece of it and building a five-story, 240-room hotel versus a ten-story hotel. Anything above five stories, I'm told, goes...helps drive the expenses because it's considered high-rise.

So HCW had been, in the early part of January, contemplating if and how that can be done. They had since come back and indicated that that can be done so last week the financial partners, that being Old National Bank, HCW, and our administration, gave the direction to HCW to proceed with revised schematic drawings. That will be done in relatively short order. When those schematic drawings are complete, they'll then turn those drawings over to Hunt Construction. Hunt Construction will go to the marketplace to determine if in fact we can build what we want to build on that site for the budget that we have.

We anticipate that all that work will be done by the end of February and at the end of the February it would be our intent to communicate back to this body what the status of the project is.

That's the project as of 5:30 on this night.

**President Adams:** Terrific. Any questions or comments please?

**Councilwoman Brinkerhoff-Riley:** I have a question.

**Mayor Winnecke:** Sure.

**Councilwoman Brinkerhoff-Riley:** What's the budget we have?

**Mayor Winnecke:** The budget is approximately 36 million dollars all...for the entire project.

**Councilwoman Brinkerhoff-Riley:** For the hotel?

**Mayor Winnecke:** For the hotel...for the hotel piece, correct.



**Councilwoman Brinkerhoff-Riley:** What happened...when we originally agreed to the 20 million-dollar bond we were looking at a 31.5 million-dollar hotel. Where did it go from there?

**Mayor Winnecke:** Well obviously the prices have gone up. That's why we're partly in the position we're in.

**Councilwoman Brinkerhoff-Riley:** You mean just construction costs in general?

**Mayor Winnecke:** Correct.

**Councilwoman Brinkerhoff-Riley:** Okay, so when we look at 36 million outside of our 7.5 million dollar subsidy that was part of our 20 million-dollar bond, the remaining funds would be made up by HCW and private sector?

**Mayor Winnecke:** Correct, and at that ratio it certainly keeps the City below the 25% investment that this body asked for.

**Councilman Lindsey:** Mayor, I have a question for you.

**Mayor Winnecke:** Yes sir.

**Councilman Lindsey:** It shows this franchise fee of \$77,100.

**Mayor Winnecke:** Yes sir.

**Councilman Lindsey:** Do they have, actually have, a franchise? Do they have a franchise...

**Mayor Winnecke:** Yes, they were notified they do have a franchise agreement with Hilton for the DoubleTree brand.

**Councilman Lindsey:** Could we get a copy of that?

**Mayor Winnecke:** We don't have a copy of agreement itself. We have notification from HCW, on Hilton letterhead, that they have the franchise agreement.

**Councilman O'Daniel:** Does that franchise agreement...is that voided or voidable because of the...

**Mayor Winnecke:** Yes.

**Councilman O'Daniel:**...difference in construction?

**Mayor Winnecke:** So that term actually expired at the end of the year and HCW has asked for the refund, which is all laid out in the development agreement, and so they are considering that request. Once the project is redesigned there'll be a new franchise fee associated with it so the money that would be refunded would be reapplied to that agreement.

**Councilman O'Daniel:** Would that still be a DoubleTree brand or is that something that's still being...

**Mayor Winnecke:** It is our intent and hope at this time it's still a DoubleTree brand.

**Councilman O'Daniel:** I understand that's what your intent is. What *(Inaudible)*...

**Mayor Winnecke:** Well it's HCW's intent too. I didn't mean to parse words but...

**Councilman Friend:** Mayor?

**Mayor Winnecke:** Yes sir?

**Councilman Friend:** First of all, thanks for coming out tonight.

**Mayor Winnecke:** Sure.

**Councilman Friend:** Appreciate it. Bad night; thanks for coming out.

What I need to ask you, we have a 1.1 million I think in that 1.6 million that's been expended...rough terms?

**Mayor Winnecke:** We've spent I think a million, forty thousand, more or less I think.

**Councilman Friend:** More or less. I think a lot of that though is basically in the design I think of the hotel.

**Mayor Winnecke:** Correct.

**Councilman Friend:** A lot of soft costs they call it.

**Mayor Winnecke:** Correct.

**Councilman Friend:** In your estimation, I don't want to put you on the spot though, but in your estimation how much of that could be salvageable in this new design work?

**Mayor Winnecke:** I'd have to go back...

**Councilman Friend:** Any of that?

**Mayor Winnecke:** Yeah, it was a good question. I don't know off the top of my head. We'd have to go back. Obviously some of that expense was for site preparation work and if a new developer came in and built a whole new deal some of that would be transferrable. Standing here tonight I don't know the exact breakout that would be transferrable.

**Councilman Friend:** Okay.

**Councilman O'Daniel:** There was some discussion the last time we were here on whether...what involvement City Council, or City Council leadership, would have within the...this process. Where do you stand on that?

**Mayor Winnecke:** I...it's my intent to keep you...keep Dr. Adams, or whomever he designates, fully informed as the next...as the steps proceed.

**Councilman O'Daniel:** Okay, is that...so it's sort of after the fact as opposed to concurrent? *(Inaudible)*

**Mayor Winnecke:** I guess it depends on what specifically you're asking.

**Councilman O'Daniel:** Well I mean I...you know, if you're going to have a meeting with HCW on design changes and the like, is that going to be more of a presentation to your office and to the private investors, and whether or not City Council leadership would be involved in that or would it simply be an Administration meeting with them and you then reporting to us?

**Mayor Winnecke:** My vision of that it would...the Administration would be involved and we'd report back to you on that. Candidly, this body provided the funding for that, for which we're grateful. I believe it's the Administration's role to proceed with executing the plan and honestly, to date, this body has not been involved in any planning approval of the previous design.

**Councilman O'Daniel:** Except that the plans that were initially proposed and then bonded were...are going to be substantially different than what we're likely to see.

**Mayor Winnecke:** Likely to be four rooms, four or five rooms smaller.

**Councilman O'Daniel:** I'm not talking about the number of rooms. I'm talking about the design itself. Ten stories with a, you know, an apartment complex next to it versus a five-story wrap-around on the same footprint.

**Mayor Winnecke:** Yeah, I hear what you're saying but with all due respect I think it might be a little cumbersome if you're asking for this body, nine people, to vote on a new design.

**Councilman O'Daniel:** Well I'm not necessarily saying that.

**Mayor Winnecke:** Okay.

**Councilman O'Daniel:** I'm simply asking whether or not greater involvement might be prudent given the substantial changes that are being proposed.

**Mayor Winnecke:** We'll be certainly happy to keep Dr. Adams, or whomever he designates, involved and up to speed.

**Councilman Lindsey:** Mayor, if I could ask you a couple things. HCW was going...they were going to shoulder the cost for the apartments. Is that correct?

**Mayor Winnecke:** Correct.

**Councilman Lindsey:** Was Old National going to be part of that financing? Is that going to be a part of that also as far as their side of it or was HCW going to shoulder the whole cost of that?

**Mayor Winnecke:** HCW; that was their private investment.

**Councilman Lindsey:** Okay.

**Mayor Winnecke:** I think it was being financed through Old National but that would not...they were not an equity partner in the project.

**Councilman Lindsey:** Well I'm just wondering if that's the case and that's how they're going to cut down some of the financing on it, I'm just wondering how solvent, you know, how solid HCW is.

**Mayor Winnecke:** We feel very confident.

**Councilman Lindsey:** If they can't shoulder that kind of responsibility or those kinds of numbers then I'm just wondering about the whole package as part of their concerns.

**Mayor Winnecke:** That's a fair question. Part of the discussions that have been going on in the last few week have been a lengthy conference call between myself and their lenders and I could just tell you that their lenders are very comfortable with HCW's ongoing participation in this project at the level we were talking about today.

**Councilman Lindsey:** If that was the case why are the apartments being eliminated then?

**Mayor Winnecke:** The apartments are being eliminated so we can have more space because it was an adjacent ten-story tower so we wanted to spread the hotel out itself so it would be built on five-stories so not to exceed the five-story...anything above five-stories goes to high-rise expense regulations so we feel like it could be...the expenses would be lower building a five-story versus a ten and without that apartment tower there, the hotel footprint can be expanded.

**Councilman Lindsey:** Okay, thank you.

**Mayor Winnecke:** Yes?

**Councilman Friend:** Mayor, let me ask you one other question. We originally had 36 million dollars I guess in the original design of the hotel. Is that what I got from what you were telling me?

**Councilwoman Brinkerhoff-Riley:** I think it started out at 36 or 37.5 and then through the Administration's negotiations it went to 31.5 and it was at that point we voted on the 20 million dollar bond.

**Councilman Friend:** Yeah.

**Councilman O'Daniel:** I think then it was the removal of that commercial...

**Mayor Winnecke:** Retail section.

**Councilwoman Brinkerhoff-Riley:** Right, I think so.

**Councilman Friend:** So then we go down to I think 31 million now. Is that what *(Inaudible)?*

**Councilwoman Brinkerhoff-Riley:** Thirty-one point...

**Mayor Winnecke:** Roughly.

**Councilman Friend:** Right at 31, 31 million which obviously is a...we're backing up but on the same token though we had a ten-story, I mean, hotel, but I'm trying...I'm trying to get apples to apples here. Just what kind of increases did we actually in the...between the budget and what the original amounts of...when the contracts came in. You follow what I mean?

**Mayor Winnecke:** I'm not following.

**Councilman Friend:** What I'm trying to do...how much did we originally miss the budget? Was there 20% overages and when we're backing up...in other words, do we feel like we're going to have any overages on the 31 million?

**Mayor Winnecke:** That's what we'll know by the end of February so we think...we think, that's the operative word today, that we can build an approximately 240 hotel on that site in five stories versus ten for the budget that we have but we won't know that for sure until the schematic, the new schematic drawings, are complete and those are turned over to Hunt Construction and then they go to the marketplace and say, "Hey, can we build this for this much money?"

**Councilman Friend:** Right.

**Mayor Winnecke:** And all that we should know by the end of February.

**Councilman Friend:** I guess my concern is...I'm thinking it's others' as well that we're going to pay as...just about the same amount of money for less.

**Mayor Winnecke:** Well I guess I would respectfully disagree.

**Councilman Friend:** Well I'm...

**Mayor Winnecke:** It's going to be essentially the same number of rooms, 240 versus 244. The Hunden study said the market really needed somewhere between 240 and 270 rooms so 240 is on the low end. So whether it's ten stories or five stories, the key, and I think Bob Warren and his team would tell you, is not how tall the building is but how many rooms it has and that's the benchmark by which we are judging the project.

**Councilwoman Brinkerhoff-Riley:** And I...just a...I think what I, correct me if I'm wrong, but what I heard you say was that the hotel actually will increase in cost because you're looking at a 36 million project at this point. Is that correct?

**Mayor Winnecke:** We think. Again, we'll know all this...

**Councilwoman Brinkerhoff-Riley:** And I know and I'm not trying to hold you to that. When you look at a 36 million dollar hotel, and I know the look will be different and there was...and I can understand Councilman Friend's point that there was a bling factor, you know, to ten stories and a rooftop bar but...and it sounds...of the 36 million, we know what our contribution is in terms of that subsidy and the tangential sort of projects but what are you looking...what does HCW's commitment related to the 36 million...how much are they putting in?

**Mayor Winnecke:** Old National's is 10 million and HCW will have the balance and that will be split between equity and debt.

**Councilman O'Daniel:** And I'm trying to get my hands around these numbers. The report has been whether it be a 6.5 to 8 million dollar shortfall in the funding for the proposed 10 story hotel component. Correct?

**Mayor Winnecke:** Correct, with the apartments.

**Councilman O'Daniel:** That was with the apartments...

**Mayor Winnecke:** Correct.

**Councilman O'Daniel:**...so that was on the entire project not just on the hotel part.

**Mayor Winnecke:** Right.

**Councilman O'Daniel:** Alright, I wanted....

**Mayor Winnecke:** No, it was related to the hotel but with the apartments still in the design.

**Councilman O'Daniel:** So based on that, would I be right then to say that the hotel component was going to be about 44 million when it was bid out?

**Mayor Winnecke:** I don't have those...I don't have those numbers committed to memory but...

**Councilman O'Daniel:** If the budget's 36 and you're 6.5 to 8 million short, we're talking on top of that, correct?

**Mayor Winnecke:** In mid to late December we were 6.5 to 8.5...to 8 million dollars short so...

**Councilman O'Daniel:** And that was on the original budget of 31 or actually it was on the revised budget...

**Mayor Winnecke:** Thirty-six. Right, right.

**Councilman O'Daniel:** We looked at 31 and the cost had actually been 44, 42, 44, something like that.

**Mayor Winnecke:** Yeah, I think, to make it as simple as possible, in mid to late December we were faced with a 6.5 to 8 million dollar shortfall on the hotel piece. Then we said, "Okay, timeout. What can we do to get this project...keep it on track?" And so that's when we came up with the idea, the collective, we came with the idea of eliminating the apartment complex and building the same number of rooms over a larger footprint.

**Councilman O'Daniel:** I guess the question I have is when this was bonded, you know, take the apartment complex aside, we were looking at a 31 million dollar hotel and those costs had risen at some point but it sounds to me like there has been a commitment, either through Old National, the City, and HCW to raise 36.5 million dollars today, correct?

**Mayor Winnecke:** Round figures.

**Councilman O'Daniel:** Okay, so those original cost estimates were met and exceeded by five million dollars but that was still some six to eight million dollars short of what the...of what it ended up growing to, correct?

**Mayor Winnecke:** I'd have to see your numbers actually in front of me to...

**Councilman O'Daniel:** Well I...I mean the original project was 31 million and there's 36.5 committed, right?

**Mayor Winnecke:** All I...again, the easiest way for me to...the way I've described it where people seem to get it is we were 6.5 to 8 million dollars short of getting the deal to work so we've gone back to the drawing board to figure out if we can find 6 to 8 million dollars in savings and a redesign. We think today we're able to do that but we won't know for sure until the schematic drawings are complete and those drawings are turned over to Hunt and Hunt can go and turn to the marketplace and say, "Okay, can we do this?" So we...and that we anticipate being done by the end of February.



**Councilman Friend:** Mayor...oh, I'm sorry.

**Mayor Winnecke:** I know it's answering the question in a different way but that's the best I can do for you.

**Councilman Friend:** What is the appraised value of the hotel once it's completed?

**Mayor Winnecke:** Thirty-three.

**Unidentified Speaker:** *(Off Mic) (Inaudible)*...HCW would have *(Inaudible)*.

**Mayor Winnecke:** HCW would have that. I don't have that.

**Councilman Friend:** Well I...the reason I'm wondering about that because when I tried to do my own math because I know they usually the most the what you call the loan of value is going to be about 60% to that number so, you know, that'd be looking at...that's a good base for me to kind of figure out what the total amount of funding between private, public, and institutional.

**Mayor Winnecke:** And again, if this repetitive forgive me but I think the best way for me to describe it is the City, on the hotel piece of it, is in at 7.5 million.

**Councilman Friend:** Right.

**Mayor Winnecke:** And then they're 12.5 million on the ancillary pieces of the project. Old National Bank is in at 10 million dollars and HCW is in for the balance of whatever it ends up costing and that...and HCW's commitment will be funded through either debt or equity.

**President Adams:** Okay, I've got a couple pragmatic questions. I want to be absolutely sure this parking garage that you're going to share with the med school, that's still in the package?

**Mayor Winnecke:** Yes sir.

**President Adams:** Great. Would there be any way, since we are going to have what sounds to me like two five-story or a five-story setting, is there any way that we could have something on top of that so that they...people who come here can see the sunset, see the river, because the med school's going to be five-stories high and I wondered whether that ambiance might be lost if it was strictly, absolutely, five stories high.

**Mayor Winnecke:** We'd still like to do something on the rooftop. I think we'll know more...

**President Adams:** Yeah, but I'm just...I'm just.

**Mayor Winnecke:** Your point's well made. I think...

**President Adams:** Yeah.

**Mayor Winnecke:** I mean I think that is...that will be a selling point of the hotel and to the extent it can be afforded we'd like to keep in in.

**President Adams:** Having gone to lots of medical meetings, it's kind of nice at the end of the day to have a view and get lit at the end of the...

*Laughter*

**President Adams:** I would very much like you to, as adroitly as possible, to keep myself and my Finance Chair apprised of this progress.

**Mayor Winnecke:** We'll do that.

**President Adams:** Are there any other comments?

**Councilwoman Brinkerhoff-Riley:** I have one more, and I really do appreciate you coming. When you anticipate, can you tell me what the time-period in the franchise agreement...I mean I understand that we paid the 77...

**Mayor Winnecke:** We actually shared the 77.1. It was in the pay-out together but it was a cost that was shared between us and the developer.

**Councilman O'Daniel:** Right, and that application fee...I spent some time with Hilton today and our franchise person, but we paid the application fee in February of '14 but as far as I can tell hadn't actually signed a franchise agreement because once you sign it then you must construct that hotel within 18 to 24 months. And so when we project forward as to, you know, the numbers come into play in February, if they do are they going...are you looking to sign, actually sign, a franchise agreement?

**Mayor Winnecke:** Good question. The City doesn't sign the franchise agreement.

**Councilwoman Brinkerhoff-Riley:** I know. It will belong to HCW.

**Mayor Winnecke:** It'll be between HCW and Hilton. The terms of the franchise, the first franchise agreement, called for a refund of the \$77,100 minus a \$7,500 processing fee if the deal did not close by 12/31 of '14.

**Councilwoman Brinkerhoff-Riley:** Okay.

**Mayor Winnecke:** Obviously it did not so HCW has now requested a refund of that minus the \$7,500 processing fee. At the appropriate time, when it's time to reapply for the franchise fee, that refund will be applied toward the new franchise.

**Councilwoman Brinkerhoff-Riley:** And once the...once we actually sign a franchise agreement, how long is the allowed construction period?

**Mayor Winnecke:** I believe it's...I don't know that off the top of my head but it would be commensurate with whatever the City agrees to. The Hilton wants the project constructed too so they're not going to put us in a box where it can't be done.

**Councilwoman Brinkerhoff-Riley:** No, but just once you sign the franchise agreement they've got a kind of a...

**Mayor Winnecke:** Right.

**Councilwoman Brinkerhoff-Riley:** They want a...

**Mayor Winnecke:** Actually it's a pretty...it's a wider window than what we really need. I do remember that but I don't remember the specific amount of time.

**Councilwoman Brinkerhoff-Riley:** Okay, thank you.

**President Adams:** Okay, thank you.

**Mayor Winnecke:** Thank you.

**President Adams:** We asked, two weeks ago, we asked you for a follow-up and we got it.

**Mayor Winnecke:** Okay.

**President Adams:** Really appreciate it.

**Mayor Winnecke:** Thank you. Have a good evening.

**President Adams:** Thank you so much for coming.

**Mayor Winnecke:** Thanks.

**President Adams:** Okay, I'd like to take a moment to say how happy I am to see Lawyer Ziemer in the crowd tonight. His color looks great and it's wonderful to see your shining face here sir.

**City Attorney Ziemer:** *(Off Mic)* Thank you very much. It's nice to be here.

**President Adams:** Let's get back, if we could now, get back to our agenda.

### **CONSENT AGENDA**

#### **FIRST READING OF ORDINANCES AND RESOLUTIONS**

##### **ORDINANCE G-2015-1      FINANCE      FRIEND, LINDSEY, BRINKERHOFF-RILEY, ROBINSON**

An Ordinance Authorizing Various Accounts of the City of Evansville, Indiana and Requiring Disclosure of Transfers

##### **ORDINANCE G-2015-2 AMENDED      PUBLIC WORKS      LINDSEY**

An Ordinance to Vacate Certain Public Ways or Public Places with the City of Evansville, Indiana, Commonly Known as Part of that Right-of-Way of Bower Avenue Lying East of South Bosse Avenue in Industrial Addition

**President Adams:** Is there a motion to accept the amendment for Ordinance G-2015-2?

**Councilman O'Daniel:** So moved.

**President Adams:** Second?

**Councilwoman Mosby:** Second.

**President Adams:** Great. A motion and a second has been made. All those in favor? Opposed? *(Unanimous Ayes)* So moved.

Is there a motion to adopt the Consent Agenda as written?

**Councilwoman Mosby:** So moved.

**Councilman Weaver:** Second.

**President Adams:** Thank you. A motion's been made; a second has been made. All those in favor? That also goes forth.

## **REGULAR AGENDA**

### **THIRD READING OF ZONING ORDINANCES**

#### **ORDINANCE R-2014-24 AMENDED**

**APC**

**R-1 to C-2 w/UDC**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 5401 E. Lloyd Expressway; 5403 E. Lloyd Expressway; 34 Fielding Court

Petitioner: Jr. Food Stores, Inc.

Owners: The Church of the Cross of General Baptist, Inc.

Representative: Krista B. Lockyear

District: Dan McGinn, Ward 1

**President Adams:** Okay, Counselor Lockyear will come up and we'll talk about this particular zoning. I'd like any comments that are made after her presentation to be limited to three minutes each. I know there are lots of people that may want to speak on this and I want to have the time to hear everybody's opinion please.

**Counsel for Petitioner Lockyear:** Thank you Mr. President, members of Council; Krista Lockyear on behalf of Jr. Food Stores, the petitioner on this. I'm also representing the Crossroads Church who is the seller of this property who is in favor of the petition.

Before I move forward I'd like to ask those in the audience that are supportive of this petition to please stand. Thank you. And we do have numbers of both the seller and the buyer here representative and interested in this process.

Janet, can I...

**APC Zoning Administrator Greenwell:** *(Off Mic)* You certainly can.

**Counsel for Petitioner Lockyear:** Sorry. I was explaining earlier how my technology skills are not the greatest but I do have a PowerPoint® to help with the information for everyone. I believe, as we all know, we've had to continue this hearing. There's been a lot of work going into preparing to ask for your approval for this petition.

My client, Crossroads IGA, is interested in putting in a neighborhood grocery store here at this property. And a little bit of history about my client, to give you some information about them: Houchens Properties, Inc. is the parent company of the Jr. Food Stores, who is our petitioner. Houchens was founded in 1917 by Ervin Houchens. Their background is in the grocery business. Since that time they have diversified and become a very large national company but their roots are still in the grocery store business and I think they all feel that's what they do best. They are an ESOP so

Employee Stock Ownership Plan, which again, part of our crowd here are members of our petitioner because they are employee owners. They are very vested in this community.

There were some rumors when we first filed this that there's a big out-of-town company coming in to take over our little corner there on the Lloyd Expressway. That's really not the case. They're a responsible corporate citizen. Houchens, being in this community, has invested itself in our Tri-State Food Bank. They've pledged annually for 10 year to participate. In 2014 they raised \$10,500 for the food bank and, as you can see, this is an excerpt out of paper showing their shopping spree.

What I've learned as I've worked with them, they go the extra mile to work for the neighborhoods they're involved in, the extra mile for their citizens, and I think that's an important component for you to know, if this rezoning gets past, who the neighbors will be dealing with in the future.

The Evansville presence: They roughly have 500 employees locally. Again, as I said, they are owner/employees; they are vested in this business. They operate the Buehler's IGA, the Price Less Foods, and the Save a Lot. We have a similar store as to what they're proposing here at the Lloyd and Fielding that will be going into Green River Road and Heckle Road intersection. We received that rezoning approval through the County Commissioners about a year ago. That store will be developed in the spring when weather permits. They have purchased the Schlotzsky's here locally and that store will be a component of this particular store itself. And they are proud to announce Ace Hardware will be coming to the Buehler's IGA on First Avenue so that will be a component of their store as well.

A lot of pictures. Well get there. Go ahead.

The thing about this IGA is it's not a destination location. It's not something that somebody's going in their car and drive across town to get to. It is designed to help the neighbors. It's designed to help the traffic...the people that are already driving by this location so it's not going to drive additional traffic to the area. It's traffic that's already going by, already existing there at the site.

And it's not a C store. It's a whole lot more than a C store. I have to throw in my personal slant. When I get done with work and I've worn my high heels out for the day, the last thing I want to have to do is drive across town and walk way into the back of a great big store to find what I need for dinner. This is designed to accommodate folks like me that don't want to do that. It's a lot of produce...Janet, you can flip through all those...fresh fruit, fresh food, frozen foods, fresh meats, milk, bread. They do have a

coffee store and they do have end store. Like I said, it would be Schlotzsky's at this particular location. Subway is a partner that they typically have.

This picture is representative of the outside of the store, what it will look like. It blends in with neighborhoods that are very comparable to what they're operating into...or what they're looking to go into here at this intersection. These are in Bowling Green and Louisville. Very high-end neighborhoods and they recognize that. And there again, part of the neighborhood once they are constructed.

There are gas pumps involved in this location. The gas pumps have been designed to be between the building itself and the neighborhood on the Lloyd Expressway side so any noise, and negative connotation that people have about the gas pumps: "We don't want them next to us", they are separated and designed to go and be buffered by the building as you can see on this picture.

Now this picture is important. This picture on screen is Exhibit B to our Use Commitment. This is a landscaping plan that our clients are committed to do. It's tied to the Use Commitment. They are required by that Use Commitment to abide by this plan. A couple points in particular: As you see, the green space on the right-hand side of the screen is a lot for future development. That future development is also bound by our use restrictions so nothing that we've restricted on this particular property can go on that either.

We had several neighborhood meetings. The majority of the neighbors, if not all the neighbors, wanted to have a fence around the perimeter of this property. A lot of the incentive for that was to keep foot traffic from traversing through their neighborhood to get to this store so my client agreed that the new fence to be put there along the eastern perimeter of the property will tie into the existing fence that's there that runs parallel to the Lloyd Expressway.

Neighbors were still concerned about, you know, "We are right here; close proximity. What about trash? What about noise? How do we give ourselves an adequate buffer?" I was at Area Plan Commission last month and Dirck Stahl said, "Somebody say the B word", well I'm going say *berm*. My client agreed to construct a berm along that border, the eastern boundary with a fence on top of that berm, again, to stop foot traffic, to stop noise, to give the neighbors a good shelter. And if you see how that fence is offset off the property line, they're basically giving up some of their own property for greenspace for the neighbors to the east, again, to accommodate their concerns of having any commercial traffic right next door that would impact their quality of life.

Along the southern end of the property there are existing fences that the neighbors have now. One of the concerns was if one of the neighbors moves into the property

and decides...and I'm going to have one of the design engineers come up and show you a little bit about the slope because we've all heard that hill needs to be cut down. But what if the neighbors decide to take out a fence and all of a sudden, you know, we've got this slope and we're going to put another fence up at the bottom to protect it but my client agreed if a neighbor should remove a fence that they will erect a new fence along the property line; same design that's going to be along the eastern boundary of the property so that it all ties in and is aesthetically pleasing to everybody and to protect the neighborhood.

The trees, although I just couldn't get too much on the overhead or we couldn't see it, but the trees are actually on the landscaping plan; a mix of deciduous and evergreens so we've got a pretty good base of it and as you can see from the drawing, and again, our designer will get into a little more of the specifics, there's a lot of greenspace that's being put into place both because of the slope, I mean there's room for it, we can't develop there, but also in response to the neighbor's concerns that, "Hey, you know, we don't want commercial development right next door to us", so again, this landscaping plan is set in stone; it's part of the commitment. Maintenance of that landscaping plan is part of the commitment and our clients will honor that.

The Use Commitment, as I indicated earlier, we limit the uses, we've got the landscaping plan tied in, the berm and fence, replacement of fencing if necessary. The quality of the retaining wall and the slope design are built into the Use Commitment so they are also binding.

The neighbors were concerned about hours: "We don't want a grocery store that's open 24 hours, typical convenience store type business and activity". In that Use Commitment we've limited both delivery hours and the location of deliveries so that semi traffic delivering either fuel or groceries cannot enter off of Fielding; they must enter off the Lloyd Expressway entrance and delivery hours are only between 7:00 a.m. and 5:00 p.m. The business hours itself: 5:00 a.m. and 12:00 a.m. Some of their stores close at 11:00 p.m. and, you know, it may not be as bad 12:00 a.m. but we will absolutely close down at 12:00 a.m.

A caveat here, and it's in the Use Commitment, the gas pumps will have the, you know, stick in your credit card 24-hour operation, but again, they don't have the loud speakers and they're on the Lloyd Expressway side so there won't be someone there yelling and talking and the noise. It'll be a pretty quiet operation there. And trash delivery... limitation on time between 8:00 a.m. and 5:00 p.m.

Part of our commitment also and part of what came out of the Area Plan Commission, our meetings between the City Engineer and INDOT were that, "Hey, people have brought to our attention that this intersection is maybe less than desirable as it stands



now because Fielding is narrow". It's obviously controlled by INDOT because we are right here on a State intersection and so the request for a traffic impact study came about. As you know, it's pretty rare except in very large developments for the developer for the rezoning happens to go through the expense of having the traffic impact study done and coordinating any kind of traffic planning or infrastructure improvements with the City Engineer and INDOT and my client has done that. The study has been submitted to INDOT and I'm going to turn this part over to Dustin with...Janet, do you mind to go back? Sorry. ...with Lochmueller Group to kind of explain to you where we're at in the planning and the traffic designs.

**Riechmann of the Lochmueller Group:** Good evening. My name is Dustin Riechmann with Lochmueller Group; we're headquartered here in Evansville at 6200 Vogel Road.

In a nutshell, if you may be less than familiar with traffic impact studies, the basic process is we go out, we document existing conditions which involves traffic counts, observations, we meet with the agencies, so in this case we met with Brent, the City Engineer. We met with EMPO, the MPO, and we also met with INDOT to kind of kick things off and this all happened last month, or the kickoff meeting happened very early, right after the holidays here in January. The study commenced in December during the holiday season. So we get those existing conditions then we look at the specific use and we look at the traffic that would be generated for this use, focusing on the peak times because if you can accommodate traffic during the peak times then the off-peak times, obviously, should be ample as well.

The charge of a traffic impact study and onus that's on the developer is to mitigate their site traffic which means things, conditions after their done should be at least as good as they are today if not better. So we completed that study and I can overview the findings for you here in just a second but before I get to that, the study was completed around two weeks ago, this is all pretty fresh, and we had comments back just yesterday actually. I commend the City staff and INDOT as well; working on the weekend to get us the comments and the feedback we needed. So, in general, I think they agreed with the methodology of the study. I think the main points that remain, before we have a full consensus, are they are prescribing INDOT standards to the improvements on Fielding Road. What that means, and I'll outline again the improvements that are prescribed, is basically longer tapers, wider lanes; a little more robust design then you would have in a typical municipal design and so we will be, you know, modifying the site plan accordingly to accommodate INDOT's requirements.

I don't know...are you driving here so...the...as far as the improvements go, there are, and probably you could just leave in on the site plan, that would probably be the easiest way to outline. We are recommending substantial improvements to Fielding Road to accommodate the site. As you're probably aware, there's full access proposed on

Fielding Road and then there's an existing right-in/right-out only at the east end of the site and they would be tying into that and using that. So the site would have two points of access, and as was mentioned, all service access would be via the Lloyd Expressway and the right-in/right-out that exists.

On Fielding Road, while we're prescribing...it's not fully captured on the schematic...we're actually prescribing additional widening to where there'd be three northbound lanes so there'd be a separate left, thru, and right turn lane as you approach the signal at the Lloyd Expressway so it'll be a substantial increase in capacity over what's there today. The other major component at that intersection that we've recommended and INDOT has endorsed is the addition of a protected left-turn phase. What that means is right now when you pull up to that signal, all the lefts happen on yield. There's just a green ball and of course, as you know, there's a substantial curve on the northside with the commercial center and it can be difficult to judge when there's an adequate gap. What we're prescribing are left-turn arrows so if you pull up there you'll get an arrow. Following the arrow you'd also be able to turn on green ball as you do today so that's a substantial increase in capacity and safety because you're controlling those movements much more effectively.

In addition there would be a southbound left-turn lane, which is shown schematically there at the site entrance. Of course the idea there is anyone that's turning into this site would have a place to store so that they're not impeding southbound traffic.

One thing I didn't mention with the study, we looked at the morning and the evening, including the school dismissal. Obviously with the high school there there's rightfully a lot of sensitivity to traffic demands following, you know, the dismissal of high school students and we observed all around the high school, collected a lot of data specific to the students and their travel patterns and there are a fair number that come up here and exit as I'm sure the residents can attest.

So with these improvements, the bottom line is the conditions at that signal and the conditions at the site entrance would be better than they are today. The way we rate intersections are levels of service, which are basically grades like you get in school, A through F. Today that northbound approach is an E. After development, with the improvements there'd be a D as in dog, which is considered acceptable in urban conditions or suburban conditions such as this during the peak time. Again, that's during the very worst hour of the day, we'd be at a D. The remainder of the day would obviously be less demand and operate more favorably.

So that's the traffic study update in a nutshell. I think Krista probably has further information and I'll obviously be here to answer any detailed questions that you may have.

**President Adams:** Do we have any questions at this point?

**Councilman O'Daniel:** Just...not that I have any idea what I'm talking about on this but what is...what was the assumption as far as the additional traffic count at peak, peak times?

**Riechmann of the Lochmueller Group:** Sure.

**Councilman O'Daniel:** And, I guess, how did you get that?

**Riechmann of the Lochmueller Group:** Yeah, okay, yeah. So basically, for any given land use, there are standards. There's the Institute of Transportation Engineers; we have lots of data where, basically, traffic engineers throughout the country and then, you know, it gets more regional into the Midwest. We look at a typical use. We go out and we count during peak times. Anytime we do a study of an existing use, we send that to ITE; it gets compiled. So in affect there's a national data base for given land uses and the amount of traffic that they generate and that gets very detailed so it's the ins, the outs during each peak hour. It also breaks down what we call "pass-by traffic" versus new trips which is, I think, what Krista was alluding to.

In a use like this, which is very convenience and neighborhood oriented, you're going to get, you know, up to 75% of the traffic that comes in and out of here is already on the Lloyd Expressway or already bypassing the site on Fielding so they're turning in or turning out as part of their commute, as part of their, you know, trip out to a different use. So that's where the data comes from. There's not a perfect use because this is kind of a unique, you know, mixture of uses where it's a small neighborhood grocer; there are fueling facilities. And so we always aim to be conservative which means we always try to choose a higher traffic generated than we think is likely to actually happen on the site so we can be sure that the capacity is actually there whenever they open. So in this case it was a convenience store with gas pumps and is actually one of the ITE land use codes.

Again, this isn't a true convenience store. This isn't your typical in and out really quick trips. This is a little more of a shopping experience in getting groceries and that sort of thing. So we did use that. That's...we feel like the actual trip generation would be lower than that but that was what was used in the study to make sure that we're at an appropriate threshold.

**Councilman O'Daniel:** *(Off Mic)* What was that number?

**Riechmann of the Lochmueller Group:** I can get it for you.

**Councilman O'Daniel:** I assume you may have what, 12 pumps or thereabouts and then it's also a grocery store plus Schlotzsky's so...

**Riechmann of the Lochmueller Group:** Right.

**Councilman O'Daniel:** I mean you could imagine, you know, at dinnertime people are filling up the tank, getting in line for their food and then going in shopping. I don't know, is that 30? I have no idea.

**Riechmann of the Lochmueller Group:** Oh it's, yeah, it's more than that. So during the p.m. peak hour we're looking at a total of 90 trips in and 90 trips out.

**Councilman O'Daniel:** *(Off Mic)* Per hour.

**Riechmann of the Lochmueller Group:** Per hour, yeah during that heaviest hour so that, you know, two trips every three minutes I think is effectively how that works out and that would be the highest hour of the whole day. In the morning it was 60 in, 60 out so it's a little lower in the morning when people aren't necessarily buying groceries but they may be stopping to get gas or coffee. And that's, you know, I...obviously get you a copy of the study. It's all broken down in more detail than you probably care to see but it is in there.

**Councilman O'Daniel:** And when I was looking at the schematics on Fielding, was there a median that was installed on Fielding...

**Riechmann of the Lochmueller Group:** No.

**Councilman O'Daniel:**...to go south from...no?

**Riechmann of the Lochmueller Group:** No. No, the left-turn lane is there to accommodate full access rather than a restricted access like a median would provide.

**Councilman O'Daniel:** Well I kind of think about the area of 261 and State Road...or 261 and the Lloyd in Newburgh at Huck's and that's a mess. I mean you can't get in and out of that and so I was hoping it wouldn't be the case here. Thank you.

**President Adams:** Sir, I'm not a traffic engineer but I think we all got an email yesterday from the MPO and they gave a mild but definite constructive critique in what...and I'll just read what they said here.

**Riechmann of the Lochmueller Group:** Sure.

**President Adams:** "Proposed southbound left-turn lane on Fielding Road is too short based on the Indiana Design Manual for 60-120 vehicles per hour. Turn lane should be 100 feet and currently it's shown at 52.65 feet."

**Riechmann of the Lochmueller Group:** Right. Yeah, that's what I was alluding to earlier. So our...the way...the approach that we took initially, and that's why this is...it's always a work in progress because only by analyzing conditions can we then get the agency input into hot-button issues that they see. Yeah, we initially analyzed it pretty much like you see it on the screen today. We then said, "Well if the driveway is in that location, what infrastructure is needed to make this safe and efficient?" And so that's why we added additional turn lanes; we added the protected phases. But from an operational standpoint, 60 feet will work and 52 feet will work but they've since, yeah, since that email yesterday, same one I got probably, they said, "In this case we want to apply INDOT standards". INDOT standards basically call for a minimum of 100 feet regardless of what the analysis shows so that's why I think we are going to see some modifications to try accommodate that specific dimension.

**President Adams:** Okay.

**Councilman McGinn:** If I may, I have some questions. Justin, you say you're going to accommodate. Can you have that turn lane 100 feet long the way this thing is configured right now?

**Riechmann of the Lochmueller Group:** It can't be with the drive-way just like it is today except maybe if there's some additional widening, and again, we got the comments yesterday evening so we are definitely going to be looking schematics and I'm not the designer. The site engineer is here and he can probably speak more to specifics. There are obviously constraints here because of grades and the location of Fielding Manor Drive that we don't want to interfere with them and we've got the right-of-way constraint on the westside with the school that we don't want to get into their property. So we do have a lot of room to work with.

***Speaking Simultaneously***

**Councilman McGinn:** There's a fire hydrant also over there; a fire hydrant and water lines.

**Riechmann of the Lochmueller Group:** Exactly. Yeah, there's a large utility pole on the northeast corner as well.

**Councilman McGinn:** Can you make it 100 feet like INDOT requires or is the driveway and everything just in the wrong spot?

**Riechmann of the Lochmueller Group:** I think we can but I can't definitively...

**Councilman McGinn:** No.

**Riechmann of the Lochmueller Group:** We have to do the engineering to see how the...see how things actually lay out.

**Councilman McGinn:** So everybody here gets an idea of what's going on, let me run the scenario.

**Riechmann of the Lochmueller Group:** Absolutely.

**Councilman McGinn:** Tell me if I'm correct. We're going to start at Green River Road. People who are on Green River Road who want to enter the Lloyd Expressway traveling east; they have an acceleration lane. They go from 0 to 55 and try to merge into traffic. Is that correct?

**Riechmann of the Lochmueller Group:** Yep.

**Councilman McGinn:** Then also that deceleration lane, or that acceleration lane, it is also part of a deceleration lane for people who want to turn right onto Cullen, isn't it?

**Riechmann of the Lochmueller Group:** Uh-hum, I believe so.

**Councilman McGinn:** And then a few farther there is another deceleration lane for people who want to slow down and turn right onto Fielding to maybe go into this...

**Riechmann of the Lochmueller Group:** Right.

**Councilman McGinn:**...store.

**Riechmann of the Lochmueller Group:** Yeah, that right-turn lane exists at the signal  
(*Inaudible*)

***Speaking Simultaneously***

**Councilman McGinn:** It's an (*Inaudible*). And then, also, the people who want to turn right from Cullen to go eastbound on Lloyd, they accelerate in that lane, do they not?

**Riechmann of the Lochmueller Group:** I believe that's the case. (*Inaudible*)

***Speaking Simultaneously***

**Councilman McGinn:** So you've got acceleration, deceleration, acceleration, deceleration, and we're still just at Cullen. Is that correct?

**Riechmann of the Lochmueller Group:** I believe so, yes. I will trust what you're describing, yes.

***Speaking Simultaneously***

**Councilman McGinn:** Alright, now the next intersection is Fielding. At Fielding, which is where you want these 90 extra cars that they think they will attract, they're going to be able to turn right on red. Is that correct?

**Riechmann of the Lochmueller Group:** Uh-hum.

**Councilman McGinn:** So they're going to going from 0 to 55 miles an hour in that acceleration lane.

**Riechmann of the Lochmueller Group:** They would be waiting for either the signal to turn green or they would be waiting for an adequate gap in the traffic...

**Councilman McGinn:** Correct.

**Riechmann of the Lochmueller Group:**...on the Lloyd Expressway, which is the existing condition today except today they don't have a right-turn lane that allows them to be out of the way for the north - south traffic, right?

**Riechmann of the Lochmueller Group:** So you're going to be able...you're going to put a right-turn lane in there so more people will have the opportunity to turn right on red if there's an adequate gap in the traffic. Is that correct?

**Riechmann of the Lochmueller Group:** Yes.

**Councilman McGinn:** Alright.

**Riechmann of the Lochmueller Group:** Sure.

**Councilman McGinn:** Now just past that, just a few hundred feet, there's also that entrance...the north...what you've...that's where all the deliveries are going to be made. The driveway that comes from this property from the Lloyd Expressway, is that correct?

**Riechmann of the Lochmueller Group:** Correct, yes, and there's a right-turn lane that exists today that was constructed as part of the original construction of that entrance.

**Councilman McGinn:** In fact, the turn lane itself is really not quite as long as a semi is it? Was there a comment from MPO and the City Engineer that that was *(Inaudible)*?

**Riechmann of the Lochmueller Group:** No, they were actually referring to the southbound left on Fielding. They were not referring to that right turn lane.

**Councilman McGinn:** Okay, well what do you think about that? I mean just put a graph on there. It doesn't look like it's much longer than a semi, the turn lane. Have you measure that?

**Riechmann of the Lochmueller Group:** Is probably...yeah, it's approximately the length...I believe its a hundred feet; a semi is around 70.

**Councilman McGinn:** Okay.

**Riechmann of the Lochmueller Group:** Yeah.

**Councilman McGinn:** So again, so you have cares that are going to be turning right or getting the red light at Fielding. They're going to be accelerating from...or if they have a green light they're going to be going 55 miles an hour and three-lanes wide.

**Riechmann of the Lochmueller Group:** Uh-hum.

**Councilman McGinn:** You're going to have cars making a right turn on red heading east on Fielding and then at the same time you're also going direct traffic to decelerate from 55 to 0, including trucks, gasoline trucks, and customers who can pull into that 100 foot lane in front of the cars that accelerating from 0 to 55.

**Riechmann of the Lochmueller Group:** That's correct and turn-lane is the INDOT standard length for that deceleration in that location.

**Councilman McGinn:** I'm just saying that it's adds somewhat to the confusion of already very confused intersection, don't you think?

**Riechmann of the Lochmueller Group:** I don't...I wouldn't *(Inaudible)...*  
*Speaking Simultaneously*

**Councilman McGinn:** Do you drive...do you drive it on a regular basis?

**Riechmann of the Lochmueller Group:** I've driven the Lloyd Expressway many times.

**Councilman McGinn:** Have you picked up kids and delivered kids to Harrison High School for eight years like I did?

**Riechmann of the Lochmueller Group:** I have not.

*Laughter*

**Councilman McGinn:** Okay, just so you know.



**Riechmann of the Lochmueller Group:** I appreciate your perspective. They're all very valid points and they were looked at in great detail and continue to be so with both the City Engineer and INDOT and the MPO so we're...the study is well warranted and under a lot of scrutiny by a lot of professional engineers.

**Councilman McGinn:** I understand but after all of this professional scrutiny and with great concern, the site plan that you...or the traffic plan you turned in was pretty well wrecked and rejected and by INDOT and the City Engineer, wasn't it.

**Riechmann of the Lochmueller Group:** I don't think so, no. They had...

**Councilman McGinn:** I have the report of it. I have your email that says you're going really work hard and try to submit one that will work.

**Riechmann of the Lochmueller Group:** No, like I said, the main distinction was we were looking at what would work operationally, what is on the plan in our study, which is different from this schematic, would that work fine operationally. It would improve conditions over today. The distinction is the City Engineer is basically giving deference to INDOT to say, "Given this is in the functional influence area of the Lloyd Expressway, let's use INDOT standards", which are longer.

**Councilman McGinn:** The INDOT standards are for safety too, that's one of the reasons.

**Riechmann of the Lochmueller Group:** Yeah they're...it's a higher grade of design, absolutely.

**Councilman McGinn:** And it cost you more money.

**Riechmann of the Lochmueller Group:** Absolutely.

**Councilman McGinn:** All right.

**Riechmann of the Lochmueller Group:** It doesn't cost me more but it would cost the developer more, yes.

**Councilman McGinn:** All right, thank you. I appreciate it.

**Riechmann of the Lochmueller Group:** Sure.

**President Adams:** Thank you sir.

**Riechmann of the Lochmueller Group:** I'll be here for further questions.

**President Adams:** Thank you sir.

**Riechmann of the Lochmueller Group:** Thank you.

**President Adams:** I appreciate it.

**Counsel for Petitioner Lockyear:** All right, so again because of my lack of expertise on the engineering matters I'm going to turn this over...Janet, if you'll advance a few more...to Brian Shirley who is with Arnold Consulting and Engineering. Brian has done the work on the drainage and the retention wall as well as the landscaping plan and can address those particular questions.

Point of background to lay this out for Brian, everybody who has looked at this property, including the church for expansion is my understanding, has come under the understanding that this property, if anything is going to be done here, that wall is going to have to be brought down. It's not developable beyond the footprint of what that church now is, and again, that church is beyond capacity even for the church congregation. So we're in a situation where to develop this real estate, there's going to have to be this engineering. It's not just a result of our client's development.

I will point out as Brian talks about this that what our client is promising to do with the engineering is above and beyond what most developers, I've seen, are willing to do.

So with that I'll turn it over to Brian.

**Shirley of Arnold Engineering:** Do I need to be sworn in or...

**Councilman O'Daniel:** No.

**Shirley of Arnold Engineering:** Okay, appreciate it.

*Laughter*

**President Adams:** Welcome sir.

**Shirley of Arnold Engineering:** Thank you. No swearing tonight, alright. We'll just go to the site layout that we had up here before.

You all are very familiar with the site; you know it's a big hill. It's probably the biggest hill in that area. It's creates some unique challenges and opportunities depending if your glass is half full or half empty.

What we will need to do to make this site work for this type of business is take the hill down and we'll be taking over 20 feet of that hill down and in some places it may even have to go a little bit lower than that. The finished floor of the store will be four or five feet higher than what the elevation of the road, East Lloyd, is currently so when you come into the site you will be coming up. Part of the reason we're doing that is to try to mitigate the cut at the back of the hill. In the back, the very dead center is where we are going to have our biggest cut adjacent to anybody.

We're going to have a retaining wall that is going to be between 14 and 15 feet in height. That wall is going to start about 35 feet away from the property line and this room feels like it's probably close to the width of that. So the retaining wall, we're going to be cutting, starting the cut, a few feet from the property line because we want to try preserve whatever vegetation is there and the fences, going down at a three-to-one slope and then coming back a little bit before we get to the wall.

**Councilman O'Daniel:** *(Off Mic)* What'd you say, trade one slope? What's that mean?

**Shirley of Arnold Engineering:** Three-to-one.

**Councilman O'Daniel:** Three-to-one. Okay.

**Shirley of Arnold Engineering:** Yeah, so for every three feet horizontal we'll go one foot vertical. That's a mowable, maintainable slope.

Now we're going to have a swale at the top of the wall to collect water, put it into pipes and take it out so we don't have water just cascading over the wall. We're also going to be putting in a fence along the top of the wall for additional security. From the, basically, the toe...the top of the wall to where it starts going up is going to be about five feet wide for that swale and that's more of a protective area so is somebody is maintaining the landscape on that slope and slip or fall they will have an area to land and then they can hit the fence that will be installed on top of the wall.

The back of the curb on that side is going to be over 40 feet away from the property line so we're going to have some greenspace from in front of the wall before you get to the curb line. The building itself is going to be over 70 feet from the property line.

Can you go back a couple? Nah, forward. *(Directed to Janet Greenwell of ACP who is operating the slide show)*

So you can see here in this example, we'll be putting a landscape on top of that slope. We'll also be putting some landscape on the bottom of the slope and you can see the wall that we have in here.

The next slide. That way.

This is the material that we've been working with Houchens on some of their other on some of their other sites. These aren't their sites but this is the material that we plan on using. It's called Redi-Rock. These blocks are about 2000 pounds apiece. We'll excavate in and they stack in and you can see they have a very natural look to 'em. It's not the...just a poured-in-place concrete wall. Houchens doesn't want that. They don't like that image so they are going to the additional expense of using a modular material that does have a more natural look. It's an expensive wall. A wall in the area and the height that we are talking about is going to be about \$40.00 per square foot of wall face so it's not an inexpensive wall by any means.

The drainage on the site; most of it is going to be going towards the front. Ultimately it will all go towards the front into a couple of areas that we have set aside for basins. We also have the opportunity to do some underground storage in this area and in some of the neighborhood meetings there was some concern about drainage coming back onto the residential lots. There's only a couple houses where existing today can actually come off this property onto the adjacent residential lots. When we cut this hill, that water can't go that direction anymore. It can only go towards the Lloyd.

I don't if you all have any other questions on the actual site layout. Again, we are still early in the stage. There's going to be some adjustments to it as we go through but with this in place with the rezoning, we are committing that certain elements are going to be set so far away from the adjacent property lines. *(Inaudible)* be installed.

**Councilman McGinn:** This...I have a...it may be a very basic question but...

**Shirley of Arnold Engineering:** Sure.

**Councilman McGinn:**...why are you only taking the top 20 feet off of this and doing retaining walls rather than level it to the level of the property that is around it. I mean Harrison is flat. The C-2 13-acres next to it flat. The neighborhood is relatively flat.

**Shirley of Arnold Engineering:** This will have an appearance of being flat and it will be a little bit higher than what the road is. When we get done it'll be five feet in the air. The finished floor of the building will be about five feet higher than what the road grade is now on the East Lloyd.

**Councilman McGinn:** Well maybe I misunderstood but I mean you're having 15 or 16 feet of retaining wall. I mean you're leaving 15 feet of that hill on some areas, are you not?

**Shirley of Arnold Engineering:** On the very back of the property; the very south edge of the property.

**Councilman McGinn:** The prop...the south edge which is the homes there in Fielding Court.

**Shirley of Arnold Engineering:** Right. There's home here. *(Off Mic)* We'll start cutting slope down to the top of the wall, then there'll be the retaining wall and then the rest of this will come down to where the store sits, a few feet higher than where the actual road is.

**President Adams:** You're going to have a wall...I mean a fence on the top of that wall?

**Shirley of Arnold Engineering:** Yes sir.

**President Adams:** How porous will that be to animals and kids...16 foot wall?

**Shirley of Arnold Engineering:** We are going to have to design to meet all kinds of OSHA standards. What we'd like to do would be a...like a two-rail horse-rail type fence and then if we need to go in behind that with a...like a black chain-link to where nothing else can flow through there then that's what we'll have to do.

**President Adams:** Okay.

**Shirley of Arnold Engineering:** Yes sir?

**Councilman Friend:** Just curious. Is there any seismic considerations in this construction?

**Shirley of Arnold Engineering:** We haven't gotten to the point where we're doing the final structural engineering yet but the structural engineers are going to have to adhere to the seismic zones in this area.

**Councilman McGinn:** You've done boring and soil testing and that type of thing?

**Shirley of Arnold Engineering:** Yes we have.

**Councilman McGinn:** Okay.

**Shirley of Arnold Engineering:** We have done borings. The soil there with borings went 50 feet and it was pure soil all the way down; no rock.

Any other questions on the site layout?

**Counsel for Petitioner Lockyear:** All right so this body's pretty familiar with the decision on a rezoning being land use but we recognize, and my client recognizes, that there are engineering issues that are concerns to you all for making a decision, concerns to the neighbors, and these things that we've talked about: the drainage, the retention, the traffic are all still in design phase and will continue to be and I want everybody to keep in mind this store does not get built unless we have INDOT approval on the traffic, and City Engineering approval on the traffic, and site plan approval on the drainage flow, and everything else that has to do with the site, access, etc.

So circle back to the reason we're here. We're asking you to rezone this property to C-3 with a Use & Development Commitment. It's about land use and land use you know you take a step back and you look at what's around and yes, we have some yellow, quite a bit of yellow on the south side of the Lloyd Expressway. Janet's got the pointer right there where our property is that we're talking about.

For those of you, probably all of you, you've sat these zoning hearings before and you've seen what's happened in Evansville, what will continue to happen in Evansville. Major intersections are built for commercial development and that's what we have. We have a property that is on a six-lane State highway that funnels a lot of traffic and will only continue to increase. So across the street we've got predominately commercial. All of the purple is commercial, and likewise, on the same south side of the street, we do have commercial development.

The property directly adjacent to the east of this property has already been rezoned for commercial. It's not developed but it is zoned commercial. Back up towards Green River, obviously you've got a pretty significant commercial node there at that intersection. Moving further to the east, you've got a very significant commercial node at the Burkhardt intersection and we went through this same process when Burkhardt intersection was rezoned. People are worried about what the effects will be but luckily we can learn from that process and what needs to be done to protect the neighbors from any negative impact. One of the things is the berm and that berm that was developed on the eastside of the Target intersection to my understanding, from talking to neighbors, has been a positive. The development is not a negative to them and that's what we are striving for and my client is 100% behind making sure that will happen here at this development as well.

The next slide will show you that Target development and you can see, relatively speaking, we've got a whole lot more homes that are immediately adjacent to that commercial development than we're talking about on this property so we're a smaller scale. Then the impact, if any, is smaller scale but this client, this developer, has committed to do every bit as much as they had back then. We designed our use commitment off a lot of the promises that were made in that development.

These are...the next few slides, and Janet, you can kind of go through, these are the homes that are adjacent to other Crossroads IGAs that my client already has in place. In Bowling Green, Kentucky and in Louisville next to the Vahalla Golf Course and those neighbors probably had the same concerns we do now. I will show you in a bit there's been no negative impact there and my client's committed to no negative impact at this point.

In zoning and land use, it's responsible growth and conservation of property values and one of the things that we've heard a lot in land use in development is sustainable growth. How do we keep from having people, forcing people, to get in their cars and drive all the way across town and, you know, all of the negative impact on the environment of that and one of the trends is incorporating some commercial development within residential areas so people can walk; so it's convenient. They're already driving by here, they don't have to go miles out of their way; use less gas. It's convenient. It's more productive for everybody's time and the infrastructure, the convenience for the neighbors. I know you'll hear neighbors that say, "We don't care about convenience. We don't want it", and I appreciate that and understand that but it is a positive for a lot of neighbors.

And one of the other things...I could be sitting here talking to you about a rezoning that would be out in the middle of a cornfield around pristine development and we'd say, "Wait a minute. This is, you know, destroying our suburban areas and our farm fields and everything like that". Infill development is a positive thing for any community and that's exactly what this development does. It takes a piece of property, within the city, right next to a major intersection and six-lane highway and makes it a productive piece of property so it's an appropriate land use for this land.

I know it's not all about the money, however, you guys unfortunately have the tough job of handling the City budget and taking a look at that and examining it all and this piece of property, again, responsible growth, it is owned and operated by a not-for-profit now and/or vacant land which is generating zero income for the City. As developed, and again, Steve Folz prepared this for us and he told me, "Krista, it's an extremely conservative prospect but we're looking at \$80,000 a year in tax revenue for the City", which, again, can be used for infrastructure. In this case, my client's promised to invest

in the infrastructure itself in Fielding Court but these funds are necessary for the growth of the community as a whole and it's a positive thing for everybody.

Now maybe, most importantly, that's going to the heart of, you know, what the neighbors are understandably fearful of is that we do have this store in other locations and it's proven to be compatible with neighborhoods right next door to it. I submitted, and I'm going to submit for the record here after I review them, I've got four letters from various entities that are professionals in the real estate development world, all of whom have studied the properties where this store is located currently and opined that there is not negative, and probably a positive impact on the development. I'll be real quick and paraphrase these.

Neil Turner Realty has indicated that they have seen growth and positive impact in the surrounding properties next to the grocery store in Bowling Green.

Developer Joe Daniel actually...as I talked about, you know, the trend being to bring commercial development next to residential because it's convenient and people like that convenience, he's gone into his residential developments and asked for developers such as Houchens and Houchens is going to build in one of his developments, and he sees that as a positive, as a draw for the residences, or for the folks that want to live there in that neighborhood.

New Realty Advisors, in studying the Louisville location again, in very bold print in their letter indicate, "...did not have any negative impact on the neighborhoods or any of its real estate valuation.

And finally, Duncan Appraisal Company, being in the business of doing real estate appraisals, indicates that lot prices have continued to increase significantly after the opening of the store in May 2008. And again, this is the model sister-store of what we are asking to rezone this property for and I'll submit these to the record to your counsel.

I think we look at this and we say, "Look at this location". I mean it's where people want to be. A builder wants to be there. Somebody wants to locate on this property but it's not going to be a house. Nobody is going to build a residential development here unless it's an apartment complex and right along the Lloyd Expressway it's probably not all that high-end of an apartment complex you're looking at. What will work for this location is something that is as low of a traffic generator as possible and this particular use asked for people that are already driving by the location. We're right here on the highway, this is low impact and I submit that this developer has committed to make the highest investment in this property for the benefit of the neighbors as you're going to get.



For all of those reasons, for the beauty of that site plan, for the work that they've already put into it, for the fact that it still has to be approved by INDOT, City Engineer, Site Review, planning, drainage, all those safeguards are still in place for particular land use purposes, I ask that you approve this rezoning.

I've got other representatives from my client here. I'd be happy to answer any other questions you may have. Otherwise I'd be happy to turn it over to neighbors who want to speak.

**Councilwoman Brinkerhoff-Riley:** I have a question. In looking at the Amended Use & Development Commitment, is this just a given or am I missing it but I'm assuming when you look at that adjoining lot, it's also not going to be eligible for an adult bookstore or a strip club. I don't see that in the listed restrictions.

**Counsel for Petitioner Lockyear:** It's not eligible due to its location from our zoning code perspective.

**Councilwoman Brinkerhoff-Riley:** Okay, so it doesn't have to be there.

The second question, if the City Engineer is deferring to INDOT then do you really...I question whether you need their approval going forward because they've looks to me, and I read the email, was that they've since...I mean they've pitched the ball to INDOT on this development and if you comply, if you meet the requirements of INDOT it seems like you've already, by default, done that. I mean they've chosen...

**Counsel for Petitioner Lockyear:** We would have. Once we reach INDOT standards, because they, again, are broader. Any typical development on a City controlled road wouldn't have to go to that extreme of standards. Engineer has said we want to see that so that's where we're at. That being said, Engineer of City Engineering does sit in Site Review so prior to a permit ever being issued to build on this property, the City Engineer will have to actually...

**Councilwoman Brinkerhoff-Riley:** Okay.

**Krista B. Lockyear:**...sign off on that.

**Councilwoman Brinkerhoff-Riley:** So it's a, yeah, so it's just part of the process.

**Counsel for Petitioner Lockyear:** Correct.

**Councilwoman Brinkerhoff-Riley:** Even though they're not creating their own standards.

**Counsel for Petitioner Lockyear:** That's correct.

**Councilwoman Brinkerhoff-Riley:** Okay, thank you.

**Councilman O'Daniel:** I have a hard time conceptualizing because that hill has been there for so long. Like from the Lloyd Expressway, the hill that exists to the north side of the property, is that coming all the way down then or will that be like a berm?

**Counsel for Petitioner Lockyear:** Janet, if you can keep going forward a little bit, I actually have one that shows the view from Fielding.

**Councilman O'Daniel:** Okay.

**Counsel for Petitioner Lockyear:** So there's your street-level perspective and it'll slope up. As Brian said, the south side of this property does have a higher grade but once you get down to street level it's lower and you can kind of see that in the background behind the building.

**President Adams:** You've answered this question many times before but I want to get it on the record. The segment of land that's on south side of your plan is going to also be C-3 just by virtue of this...what we're looking at today.

**Counsel for Petitioner Lockyear:** The east side of the property?

**President Adams:** Yeah.

**Counsel for Petitioner Lockyear:** Yes. It will be C-3 and bound by the very same Use Commitments that control the lot where specifically...

**Councilman O'Daniel:** *(Off Mic)* Sycamore Point. You talking about Sycamore Point?

**Counsel for Petitioner Lockyear:** No, Sycamore Point is not.

**President Adams:** No, I'm talking about the green second, the green empty space to the east of the existing planned building.

**Counsel for Petitioner Lockyear:** It's...It is this...

**President Adams:** For future development.

**Counsel for Petitioner Lockyear:** It is the same zoning...

**President Adams:** Yeah.

**Counsel for Petitioner Lockyear:**...with the same Use & Development Commitment so the site plan will control that as well and the landscaping...

**President Adams:** Once this is done...once this is done there will be no control as to what that...what is other than the Use & Development.

**Counsel for Petitioner Lockyear:** Other than the Use Commitment...

**President Adams:** Okay.

**Counsel for Petitioner Lockyear:**...and all the restrictions that in the Use Commitment will apply.

**President Adams:** Okay, thank you.

**Councilman McGinn:** Mr. President, may I? I have a few questions.

**President Adams:** I'm sorry?

**Councilman McGinn:** I have a few if I may. First, thank you for keeping me in the loop even though you kind of know how I feel on this.

**Counsel for Petitioner Lockyear:** Certainly.

**Councilman McGinn:** I appreciate it very much. If I could, maybe we might need a company representative here but you said that there are about 500 employees of Houchens in the Evansville area. How many do they have all together? Do you know?

**Counsel for Petitioner Lockyear:** I will have to defer to one of my company representatives. Brian...

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**Counsel for Petitioner Lockyear:** Seventeen thousand in total?

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**Counsel for Petitioner Lockyear:** Seventeen thousand employees total?

**Councilman McGinn:** Seventeen thousand employees so that we have 500 here.

**Counsel for Petitioner Lockyear:** Correct.

**Councilman McGinn:** Who is going to be building this complex? What construction company?

**Counsel for Petitioner Lockyear:** They will use local engineers but I don't think they have been selected at this point. Is that correct?

**Unidentified Speaker:** *(Off Mic) (Inaudible).*

**Counsel for Petitioner Lockyear:** Sure. I'll have Tim Rich from Houchens approach to answer some of the...

**Councilman McGinn:** Okay.

**Counsel for Petitioner Lockyear:**...questions that I can't.

**Houchens Representative Rich:** We have selected an architect and a civil engineer. We have not selected a contractor.

**Councilman McGinn:** Okay but this...

**Houchens Representative Rich:** We wouldn't do that until after design was completed *(Inaudible).*

**Councilman McGinn:** Who's building you the one? Have you selected a contractor for the one out on Green River and Heckle?

**Houchens Representative Rich:** We have not yet. We are still in design.

**Councilman McGinn:** Okay. Does Stewart Richey build most of your stores or a lot of your stores?

**Houchens Representative Rich:** No sir.

**Councilman McGinn:** They don't?

**Houchens Representative Rich:** We own them but they have to bid the projects just like every other contractor. In fact, the two Krista talked about in Bowling Green and Louisville, they didn't win those.

**Councilman McGinn:** Okay. Asphalt? Is that part of the bid or does Scotty's get those, which is another wholly owned company?

**Houchens Representative Rich:** Scotty's is a company that we own. They're in southcentral Kentucky. They would not be doing project. Asphalt companies predominately stay in the territory of where they're at.

**Councilman McGinn:** It has to do with the heat of the asphalt and how fast you can get it to the job site.

**Houchens Representative Rich:** I suppose but they would not be doing this project.

**Councilman McGinn:** All right, what about your suppliers. Who's going to be supplying your beverages to this store?

**Houchens Representative Rich:** That I don't know; that I'd have to ask operations. It's...I'd say it's the same suppliers we use for the other nine stores we have.

**Councilman McGinn:** Is that Tampico?

**Houchens Representative Rich:** Tampico is a company; it's a juice company that we also own.

**Councilman McGinn:** Yeah.

**Houchens Representative Rich:** It's similar to Sunny D. You've probably seen it on the shelves but that's out of Chicago. That's...we just own that company but as far as food suppliers there's all kinds of different food suppliers that serve that actual groceries that go on the shelf.

**Councilman McGinn:** Yeah.

**Houchens Representative Rich:** And we would use the same ones that serve current stores here in town.

**Councilman McGinn:** Okay, well I guess what I want to find out: Are any of those locally owned, Evansville stores, other than the ones you guys already own?

**Houchens Representative Rich:** As far as the food suppliers?

**Councilman McGinn:** Yeah.

**Houchens Representative Rich:** That I can't answer.

**Councilman McGinn:** Can anybody?

**Houchens Representative Rich:** I've got an operations guy that would answer for us.

**Councilman McGinn:** If you would just sir, for the ladies who type these, if you would state your name and who you're with for the record so we know.

**Houchens North Director of Operations Worley:** Tracy Worley, Director of Operations for Houchens North.

**Councilman McGinn:** Okay.

**Houchens North Director of Operations Worley:** It's Indiana, Ohio, and Illinois.

**Councilman McGinn:** All right. Who supplies...who do you anticipate will be supplying beverages, meat, vegetables, whatever, to this particular...

**Houchens North Director of Operations Worley:** Meat and grocery items will be supplied through AWG.

**Councilman McGinn:** Where are they?

**Houchens North Director of Operations Worley:** Associated Wholesale Grocers.

**Councilman McGinn:** Where are they located?

**Houchens North Director of Operations Worley:** They're nation-wide. The closest...the distributorship we use right now is in Nashville but they are planning to build one in Indianapolis very soon.

**Councilman McGinn:** Nashville, Tennessee?

**Houchens North Director of Operations Worley:** Yeah.

**Councilman McGinn:** What about your beverages. Who...where do you get your...

**Houchens North Director of Operations Worley:** Beverages are all local; all local distributors.

**Councilman McGinn:** Okay.

**Houchens North Director of Operations Worley:** All come out of Evansville.

**Councilman McGinn:** What about your gasoline?

**Houchens North Director of Operations Worley:** Gasoline...we're not Shell here I don't think.

**Unidentified Speaker:** *(Off Mic)* I don't think this *(Inaudible)*.

**Houchens North Director of Operations Worley:** That normally comes from Key Oil and out of Owensboro.

**Councilman McGinn:** Okay. Key, that's a...do you own Key Oil?

**Houchens North Director of Operations Worley:** No sir.

**Councilman McGinn:** Do you guys own Browning Oil?

**Houchens North Director of Operations Worley:** We do, yes.

**Councilman McGinn:** And that's a Shell distributorship?

**Houchens North Director of Operations Worley:** Yes sir.

**Councilman McGinn:** And so this is not going to be a Shell station then?

**Houchens North Director of Operations Worley:** No sir.

**Councilman McGinn:** Okay, so that's from Owensboro. Okay, your fencing *(Inaudible)*.  
*Speaking Simultaneously*

**Counsel for Petitioner Lockyear:** I'm sorry. Point of clarification: Whether or not it's Shell has been undetermined at this point.

**Councilman McGinn:** Oh, okay.

**Houchens North Director of Operations Worley:** I apologize. Last I heard we could not be issued...

**Councilman McGinn:** I'm not...I don't mean to put you into...that's fine.

**Houchens North Director of Operations Worley:** Okay.

**Councilman McGinn:** Clarified anything...that'd be fine. Display fixtures for the store, who supplies all of that and your cash registers, your checkout lanes, all of that stuff?

**Houchens North Director of Operations Worley:** Cash registers is Data Cash Register. Checkout lanes...

**Councilman McGinn:** Yeah, your electronic checking and all that.

**Houchens North Director of Operations Worley:** Pan-Oston checkout lanes.

**Councilman McGinn:** In fact, all the interior...I mean I'm talking major interior fixtures are Pan-Oston. Is that right?

**Houchens North Director of Operations Worley:** Only the checkout lanes normally and maybe some counter work.

**Councilman McGinn:** Okay.

**Houchens North Director of Operations Worley:** But a...

**Councilman McGinn:** Again, that's a company you own.

**Houchens North Director of Operations Worley:** Yes.

**Councilman McGinn:** Okay, do you bid...do you use prevailing or common wages when you bid out your stores? Is that a requirement? Union wages for you contractors and laborers to build the store.

**Houchens North Director of Operations Worley:** We award to the best value contractor.

**Councilman McGinn:** Okay, but that's not a stipulation that it be a union shop?

**Houchens North Director of Operations Worley:** We do *(Inaudible)*.

**Councilman McGinn:** Okay. All right.

**Houchens Representative Rich:** Mr. McGinn, I would like to clarify one statement I said earlier.

**Councilman McGinn:** Please do; please do.

**Houchens Representative Rich:** You were asking about the Green River location. At that location the design is complete on the site work as far as the earth-work portion and that portion was awarded to a local contractor: Hinderliter, they're local here in



Evansville and they have completed that work and they also do a lot of our fuel work for us for the gas canisters and that kind of stuff...

***Speaking Simultaneously***

**Councilman McGinn:** The tanks, yeah.

**Houchens Representative Rich:**...at other locations, not just Evansville, but several places throughout Kentucky as well.

**Councilman McGinn:** Okay.

**Houchens Representative Rich:** Thank you.

**Councilman McGinn:** You're going to sell tobacco products? Do you guys...who...do you have a tobacco distributor that you own?

**Houchens North Director of Operations Worley:** No we do not.

**Councilman McGinn:** Do not, okay. And this...you used to be in the tobacco industry.

**Houchens North Director of Operations Worley:** We did, yes sir.

**Councilman McGinn:** And you guys were part of Houchens when, what was it, Continental...what was it called?

**Houchens North Director of Operations Worley:** *(Off Mic)* Commonwealth Brands.

**Councilman McGinn:** Okay, and that sold in '08.

**Houchens North Director of Operations Worley:** Yes sir.

**Councilman McGinn:** One...am I cor...I want to verify the number 1.9 billion dollars.

**Houchens North Director of Operations Worley:** That's correct.

**Councilman McGinn:** Okay. Also, the stores where you use berms, you already use Redi-Rock and pretty stuff, rather than poured concrete and reinforced plain concrete, do you not?

**Houchens Representative Rich:** I've used the Redi-Rock in two previous locations. I'm not sure I understand the rest of your question.

**Councilman McGinn:** Well, you use it even without it being in a covenant. I mean you use it to keep the stores pretty.

**Houchens Representative Rich:** Both locations, there was no covenant requirement to do it. I did it to enhance the site.

**Councilman McGinn:** Okay. You do landscaping to enhance the site also, all sites.

**Houchens Representative Rich:** Absolutely. We want the site to be attractive to our customers as well.

**Councilman McGinn:** Okay. The number of...how many parking places are going to be in the store, do you know?

**Houchens Representative Rich:** I don't know.

**Councilman McGinn:** Is it over 30?

**Houchens Representative Rich:** Yes.

**Councilman McGinn:** Okay, so you're required then by our ordinance to put trees...already the law requires you, without it being a covenant, you're supposed to put trees in the parking lot anyhow.

**Houchens Representative Rich:** *(Off Mic)* Whatever they require.

**Councilman McGinn:** Okay.

**Counsel for Petitioner Lockyear:** That's true. We will be in the tree island part of the ordinance. I'm certain that the tree islands and the landscaping we have goes beyond what our local ordinances require.

**Councilman McGinn:** Okay. Also the...there was one other thing that...I don't remember what it was. I'm sure it was really important.

**Houchens Representative Rich:** *(Off Mic)* We're still here.

**Counsel for Petitioner Lockyear:** I think we'll be here for a while if it comes to mind.

**Councilman McGinn:** I...yeah, I may recall it. All right, that's all I have right now. Thanks.

**Houchens Representative Rich:** *(Off Mic)* Anyone else?

**Councilman O'Daniel:** Just one question as it relates to the store design. I know the one in Bowling Green you showed was brick façade and everything else. Is this going to be brick? Is there a commitment to that?

**Houchens Representative Rich:** It's a...*(Inaudible)* It's a brick and stone with some split face, all kind of mixed. It's more similar to the one that she had on the slide earlier.

**Councilman O'Daniel:** Okay.

**Councilman McGinn:** I remember. Can I jump in before it...just because I for...the one point if I may. I beg your indulgence.

**Councilman Friend:** Go ahead.

**Councilman McGinn:** Thank you. The covenant says you're not going to have any off-premises signs but you're going to have a sign for this facility if it's zoned, or you not?

**Houchens Representative Rich:** Correct.

**Councilman McGinn:** And how tall is your sign going to be from the grade of the store? How tall is it?

**Houchens Representative Rich:** What's allowed by the City?

**Councilman McGinn:** Twenty-five feet, I think. Is it 25 feet?

**Councilman O'Daniel:** *(Off Mic (Inaudible))* 25 feet.

**Houchens Representative Rich:** I'll be honest; we like to maximize whatever the city allows.

**Councilman McGinn:** That was my question. The covenant says you're not going to do any off-premises but that basically means you're not going to advertise some other business on a sign.

**Houchens Representative Rich:** *(Off Mic)* Correct.

**Councilman McGinn:** You at all times intended to have the biggest sign you could get so that people on the Lloyd and on Fielding know that you're there.

**Houchens Representative Rich:** Absolutely.

**Councilman McGinn:** All right, that's all. Thanks.

**Councilman Friend:** May I..

**Councilman McGinn:** Thank you John.

**Councilman Friend:** I just want to ask how many stores you have in your...your whole...how many stores you guys have?

**Houchens Representative Rich:** Probably close to 500.

**Councilman Friend:** About 500.

**Houchens Representative Rich:** Not this particular brand but 500 total.

**Councilman Friend:** Five hundred stores. Thanks.

**President Adams:** Okay folks, any other burning questions here?

Let's get down to the remonstrance people. Keep it to three minutes please, pro and con. Who would like to...who amongst you would throw the first stone.

**Unidentified Speaker:** *(Off Mic)* Here he comes.

**Unidentified Speaker II:** But I'm not throwing stones.

**President Adams:** Well we already have a...we already have a...batter up.

**Church of the Cross Pastor Eberhardt:** I am Jack Eberhardt. I am the pastor of the Church of the Cross, which has existed for more than 20 years on that hill and I'm sure you've driven by a lot when it had the cross there and I represent our congregation tonight and I would like to express to you from them, ladies and gentlemen, appreciation for your time and you've put a lot in it, and for what's happened over these last several months. We thank you very much.

And also to the Houchens Industry because they have, in our opinion, went an extra mile in lots of ways and I sat through the meetings with the residents, etc. and we have greatly appreciated you and enjoyed working with you and very insightful people in trying to help the neighbors.

I would just like to say to you that our church has moved out on N. Green River Road and we will take from the sale of the property to develop our group there and ministry to that growing community that is home on the N. Green River side out in there.

Other than that I would present myself for any questions you might have for us from the congregation itself. But other than that, we do appreciate you ladies and gentlemen.

**President Adams:** Okay, thank you sir.

**Church of the Cross Pastor Eberhardt:** Thank you.

**President Adams:** Appreciate it.

**Keith Jerger:** Good afternoon, my name's Keith Jerger and my wife Karen and I live at 5500 E. Sycamore Street in the Sycamore Point subdivision. I'd like to thank you for the opportunity to address the Councilmembers. First, I'd like to thank Krista Lockyear and the Jr. Food Stores for providing the neighborhood meetings in order to answer our questions concerning the IGA mini-mart.

By now you're probably aware of all the concessions that Houchens Food Groups like to make in order to pacify the neighbors of the Sycamore Point, Fielding Manor, and Fielding Court in order to allow for the construction of the IGA mini-mart. But despite these concessions I'd like to address what they can't do for us.

Once hundreds or thousands tons of dirt is removed to level the ground, they'll never be able to replace that hill. They'll never be able to replace the hundred year-old trees and the grassy hill that they reside on. They can't replace the backyards and views that the bulldozers took away and replaced with retaining walls. If we happened to get a 25, or 50, or 100-year rain, no one could guarantee that the retaining wall will hold, and if it should fail, Houchens Food Group can't clean the life...can't calm the lives that are affected by a shifting foundation or cracked walls.

If Houchens Food Group fails to successfully control rainwater run-off, they'll be more homes on the Royal Street that affected by flooding. Houchens won't be there to address the water damage or the emotional pain of the homeowners. They won't be able to restore the calm serenity of the neighborhood once the store is built and car doors are slamming, and delivery trucks are unloading.

They won't be able to replace the view of the hillside that my wife and I currently have; enjoy out of bedroom window.

And probably the most important point I'd like to make is this: What if someone is hurt or worse yet, killed crossing Fielding Road from the high school. Houchens Food Group would never be able to take away the immense pain and emptiness caused by the loss of a loved one. My wife and I can speak of that first hand by losing a child and the pain that I don't want anyone to ever experience.

None of my neighbors want this store to be built with the possible exception of the Pastor of the Church of the Cross. It's not a good fit for Evansville. It's definitely not a good fit for my neighbors and me so please don't allow this store to be built. Thank you.

Any questions?

**Councilman O'Daniel:** *(Off Mic)* Sir, on this where do you...I mean I don't want *(Inaudible)*

**Keith Jerger:** I'm...my property...

**Councilman O'Daniel:** *(Off Mic)* Are you on that curve where Royal and Sycamore come around?

**Keith Jerger:** At the very end of Sycamore Point where the subdivision...my property butts right up to the church property. I got probably about 10 feet or less of from the wall of my house to where the church property starts.

**Councilman O'Daniel:** *(Off Mic)* So you would have a berm to your west...

**Keith Jerger:** Yes.

**Councilman O'Daniel:** *(Off Mic)*...and currently you just have a plastic fence around, a vinyl fence to *(Inaudible)*...

**Keith Jerger:** It's a stone...right now I currently have a stone retaining wall that's probably about yeah-high. That's between my wall, I've got about maybe two feet...and foot and a half of grass, this retaining wall, and then continues to be the property for the church.

**Councilman O'Daniel:** *(Off Mic)* I'm talking to your door where...

**Keith Jerger:** Oh to...

**Councilman O'Daniel:** *(Off Mic)*...you also backed up to...

**Keith Jerger:** Yes.

**Councilman O'Daniel:** *(Off Mic)*...the other commercial development *(Inaudible)*.

**Keith Jerger:** Right. Right now there's a wooden fence that separates the back of our property with the undeveloped property.

**Councilman O'Daniel:** *(Off Mic)* *(Inaudible)*...no berm or anything?

**Keith Jerger:** No. Anything else?

**President Adams:** Thank you sir.

**Keith Jerger:** Thank you.

**President Adams:** Next please.

**Dave Ruckman:** My name's Dave Ruckman; I live at 5407 Fielding Manor Drive. I live on the top of this hill, or what Houchens is proposing to turn into half a hill and leave me on half of it.

You're going to hear a lot of things about impacting the high school, impacting the traffic; I think a lot of that is pretty self-evident. I'm going to speak selfishly a little bit. My primary concern is what a gas station in my back yard is going to do to my property value. Ms. Lockyear keeps telling that this proposed store won't adversely affect neighboring property values but based on the turn-out at the Area Plan Commission meeting and the community meetings, I think that statement is false. Nobody wants to live next to a convenience store and when I'm ultimately forced to sell my home, I think the price I get for it will reflect that.

The street that I live on is rare find within this city. We have the beautiful surroundings and trees as well as the peaceful setting that would find living in the country but it's about a mile from everything I could ever need and within that one-mile radius are five grocery stores and at least that many gas stations. Do we really need to stuff another one into a residential area right next to a high school?

At our last community meeting, the pastor of the Church of the Cross and Ms. Lockyear both indicated that the next alternative, if Houchens is denied rezoning, would be a low-rent, high-density housing complex and in its stead. For those of us aren't in the commercial real estate business, this was quite a bombshell that none of us were prepared to respond to. Would I prefer that to a gas station? Absolutely not. A housing complex would be just as bad for my property value and I would be even more

worried about the safety of my home and my family. We have low-rent housing down the road and when I checked the sex offender registry map the results in those apartments scare me. I don't think any of us would prefer a housing complex to the gas station but does that mean I'm going to change my stance and say the gas station is a good idea? No. Frankly I felt like the church and Ms. Lockyear were threatening us with the devil we don't know in order to get us to agree with their position. Perhaps that is the ugly truth of this but I hope that's not what it's going to come to.

I thank you for your time.

**President Adams:** Thank you sir.

**Jeannie Haseman:** Name is Jeannie Haseman; I am the homeowner at 5400 Fielding Manor, which is the direct and major landowner that will be south (*Inaudible*). I'll just do a second on the personal stuff. I know my property value is going to go down. I know that I'm the only one in the area that's never been flooded. I know those hundred-year old trees because I've walked every yard of that property with my dogs and with my kids, fetching lacrosse balls. It is beautiful. It is a piece of heaven. Moved there from McCutchanville. I still feel like...but this is not about me.

I think it's silly to think something is not going to happen on that road. Harrison High School is there. There are kids there, there are football games, track meets, there are kids that are just walking down their...you...INDOT studies, whatever they're going to do, that road is going to take that first 100 feet maybe. That doesn't even get a turning lane in there. You got people backed up. Anyone that's ever driven down that road going the other way to Lincoln...just to get out of there last night you...it's amazing that people aren't hurt anyway. I think it's a safety issue.

Convenience store, fine, they're everywhere. We don't need that there. I think for Harrison High School and the kids in the city, great. Every picture they put up of all these great looking locations where they had no animosity toward them putting in a...I guarantee Houchens didn't put one next to his home and every photo they had up there was a gated community. It wasn't on a city street where turning every day is a danger and the acceleration that my councilman went into earlier of deceleration, acceleration, trying to get where you're going while somebody else is slowing down and that doesn't even count the streets before Harrison.

I think it's a bad plan. Thank you.

**Don Payne:** Good evening, my name is Don Payne. I do not live in this area. I live on the northside of Evansville. I'm a 40-year resident of Evansville. I came here by chance; I was transferred, but I've stayed here by choice because I believe in Evansville and what it



stands for. I've had several chances to leave and decided I'd like where we're at. My kids and grandkids have either been educated here or are being educated here. My wife and I worked here for 40 years and I wouldn't support any proposal in front of you folks that I thought was going to hurt a child or damage anything.

By living on the northside I travel the Lloyd a lot. There's no place from First Avenue to Newburgh on that side of the highway to buy a coke, to buy gas. My son's a football coach in Warrick County. I travel the Lloyd a lot going east. There's nothing there on the right side to get in and out easily. There is already a stop sign there. We've heard tonight they're going to do backflips to make sure it's a safe intersection.

And the other thing that I look at is it's a pile of dirt with an empty building on top of it. And quite frankly, as a taxpayer, it's not generating any kind of income for anybody. A grocery store will. They're going to add jobs to a city that needs jobs from a company that really wants to be in Evansville. They've been here for a while now. They're going to be here for a lot longer.

They're investing in Evansville with these stores. They're improving them. They support the community. I know they talked about the Food Bank but there's also a kids fest that they do. They've had it at Garvin Park, they've had it on the footprint of their own stores. The benefit's to the kids in the neighborhoods. There is also a high school challenge that they've been involved with, even before Houchens bought us, that does include Harrison High School. It's a trophy that's given every year to the winner of the local challenges. It's Harrison and Memorial. In my case it's Central and North and that kind of thing.

And the other reason I'm here to speak to support this is the precedent for a store of this kind is already in place on the northside of Evansville where I live. I live just north of Central High School. On the corner of Central High School is a convenience store. For ten years or more that it's been there, it works. The school works, the convenience store works. It's used by the neighbors, it's used by the students, it's used by all the people that come to the northside, to Central for whether it's a speech contest or a band contest or a football game.

To me, it's really very simple in my mind. It's a new store, it's new taxes, it's new jobs, it's new convenience for everybody who passes the Lloyd going east and I ask you to support the zoning ordinance.

**President Adams:** Thank you sir.

**Councilman McGinn:** Where do you work sir?

**Don Payne:** I work for a sales company out of Kansas City.

**Councilman McGinn:** Do you have connection with Houchens? I'm just curious. I do call on their stores and others.

**Councilman McGinn:** They're your customer.

**Don Payne:** They're one of 'em, yeah.

**Councilman McGinn:** Are you a commissioned salesman, sir?

**Don Payne:** No, I'm salary.

**Councilman McGinn:** Okay, thanks.

**Don Payne:** I wish I was.

**President Adams:** Thank you for coming.

**Sheila Austin:** Good evening, my name is Sheila Austin and I do work for Houchens. I am a store manager on Highway 41 and I just want to tell you a little bit about Houchens.

I'm one of those 16,000 associates that works for them. They bought us in 2008 at a time when there was a lot of uncertainty with our company and our future. And I've been in the grocery business all my life and I can see firsthand what they've brought to our community and the community is something that's very dear to their heart and I appreciate working for an employer like that. I will tell you, firsthand, that if they give you their word that they're going to do something that they do stand behind it and that's not only in the store but that's in the community and I hope that you support this zoning.

**Councilman O'Daniel:** Can I just ask you the...

**Sheila Austin:** Yes.

**Councilman O'Daniel:** You're talking about like the old Buehler's?

**Sheila Austin:** Yes, that's who I worked for.

**Councilman O'Daniel:** Okay, that's what you're talking about.

**President Adams:** And where is your home ma'am.

**Sheila Austin:** I live in Evansville. I've lived here all my life.

**President Adams:** Did she give her address where she...

**Sheila Austin:** I live at 3616 Keystone Hills Drive.

**President Adams:** Okay.

**Sheila Austin:** Anyone else?

**President Adams:** Young lady?

**Julie Klingman:** Thank you, my name is Julie Klingman and I live on Charmwood Court, which is in the Fielding Court subdivision. There are neighbors between me and the proposed business. However, I am very close to it. I can see Harrison High School out my front door.

There's no question. I don't think the neighbors are contending that Houchens is a good company. They've been...they've attempted to accommodate us. They've asked questions, however, what it comes down to is we don't want this next to our neighborhood. There are multiple businesses in our area that we can go to. The convenience that they're going to provide for passerbys is not going to serve the neighbors; it's going to serve the people on their way home to Newburgh, not our local neighborhood, which is what they keep calling it, a neighborhood grocery store.

The other thing that hasn't been mentioned is there are other possibilities for this property. They may be more difficult to come by. It may take longer to sell it but in its current zoning of R-1 it can be used as a church, a municipal building, a greenhouse, a daycare; there are other potential options here. It doesn't have to be a C-3. There is currently, based on a letter received this weekend on my door, there's currently a church leasing that property from the Church of the Cross and they have interest in attaining it in the future but I don't believe their financially able to do so at this point based on the letter that I got from them. So there are other potential options. This isn't the only way that the Church of the Cross can sell this property and redevelop it.

As a neighbor, I hope you'll vote no. Thank you.

**President Adams:** Okay, anyone else? Yes, Mr. Wheeler.

**City Council APC Rep Wheeler:** Stan Wheeler; I'm not with Houchens, I'm not with the church, I just got a question. Krista brought up that if DOT turns this down, it'll fall through. If the City Engineer turns it down, it will fall through. Is this premature on this vote? Do you want to...what happens if you pass this and it's C-2 with a Use & Development, is it going to stay that way if the Houchens deal falls through? What happens then?

**Councilman Lindsey:** It can always be rezoned.

**City Council APC Rep Wheeler:** I know, but do you want to rezone it to C-2 with Use & Development now or do you want and have more control over it if it falls through?

*Speaking Simultaneously*

**Councilman O'Daniel:** But I think we have to act.

**Councilman Lindsey:** We have to act for them to act.

**Councilman O'Daniel:** I think we have within 90 days of it going through Area Plan and I think...

**City Council APC Rep Wheeler:** Well I'm just asking the question.

**Councilman O'Daniel:** Sure.

**City Council APC Rep Wheeler:** What happens if you rezone it tonight and something happens and this deal falls through, then what happens to that C-2 zoning?

**President Adams:** I apologize. I don't know the answer.

**Councilman O'Daniel:** Krista knows.

**President Adams:** Ms. Lockyear?

**Counsel for Petitioner Lockyear:** Members of Council, Krista Lockyear. If you all approve this rezoning, it stands as a C-3 with...C-2 with this Use & Development Commitment so any new buyer who would come in and want to build apartments cannot do so. Any new buyer that wants to build a hotel here cannot do so. The higher uses that we've wiped out because we felt, and the neighbors have had input on, that those were bad things for this neighborhood are restricted. So until a low-impact, high quality development can get through INDOT, and City Engineer, and Site Review, nothing will be developed on this property. But this Council will not be the ones that have restricted a use from being done on this property. As it stands with what I believe is the evidence that this a proper land use for the property, a no vote is, "Buck stops

here with Council". Moving forward, Council said, "Yeah, a low-impact, high quality development here at this intersection is appropriate, however, you still have to get through the safety concerns of the traffic engineers and all of that so we move forward with all those restrictions and safeguards still in place.

**President Adams:** But it could be an insurance company. It could be a doctor's office. It could be a legal place, it could be a computer store.

***Speaking Simultaneously***

**Counsel for Petitioner Lockyear:** It could, and if engineering feels that this is too high impact and can make the design standard, that's correct.

**President Adams:** Okay, fair enough.

Any other people that would like to make a comment now? We've been at this for about an hour.

Okay, would you want to make any summaries?

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**President Adams:** Yeah, I apologize. Excuse me, I apologize.

**Councilwoman Mosby:** Couple questions. How long has this property been on the market, been up for sale?

**Counsel for Petitioner Lockyear:** I might have to defer to Pastor Jack.

**Church of the Cross Pastor Eberhardt:** *(Off Mic)* It's been two years; it's sold to two people, three people, Houchens being the third. It's had ten corporations or people look at purchasing it.

**Counsel for Petitioner Lockyear:** Okay, and into the record, it's been on the market for two years. They've had three buyers already interested. When they went through the site work that it's going to take, the thing that...the cost really to improve Fielding, to do this right, those have fallen through and he's got more buyers in the wings.

**Councilman O'Daniel:** Can I...I'm sorry *(Inaudible)*.

**President Adams:** Wait a minute, she had another question.

**Councilwoman Mosby:** I had another...another question. How many jobs is this going to create?

**President Adams:** How do you what?

**Councilwoman Mosby:** How many jobs?

**President Adams:** Thank you.

**Unidentified Speaker:** *(Off Mic)* About 50.

**Counsel for Petitioner Lockyear:** Fifty new jobs initially plus construction. I don't have those.

**Councilwoman Mosby:** *(Inaudible)*...construction.

**Counsel for Petitioner Lockyear:** Those are permanent at this site.

**Councilwoman Mosby:** So 50 jobs would be permanent and then also including would be the construction jobs.

**Counsel for Petitioner Lockyear:** Right.

**Councilwoman Mosby:** Okay, thank you.

**Councilman O'Daniel:** What would be the wages of those jobs?

**Counsel for Petitioner Lockyear:** You guys are asking tough...I need to defer to somebody from Houchens again.

*Speaking Simultaneously*

**Councilman O'Daniel:** I...well, once that came out *(Inaudible)*. I mean these are largely teller and stocker and those kind of jobs, right?

**Counsel for Petitioner Lockyear:** Correct. And, you know, the neighborhood group asked that question and the benefits. I mean we're not talking bottom of line wages; a pretty good benefit package but I'll let the representative from Houchens address that.

**Houchens North Director of Operations Worley:** It would be a full range of...

**Councilman O'Daniel:** Sure.

**Houchens North Director of Operations Worley:** From minimum wage up to, you know...

**Councilman O'Daniel:** Is there a minimum number of hours in which you become an employee/stock owner?

**Houchens North Director of Operations Worley:** A minimum number of hours...

**Councilman O'Daniel:** Yeah, do you have to be a full-time employee to be a part-owner under ESOP?

**Houchens North Director of Operations Worley:** No. Actually, part-time can participate in ESOP benefits.

**Councilman McGinn:** May participate.

**Houchens North Director of Operations Worley:** Twenty hours...twenty-hour average per week can participate in ESOP benefits.

**Councilman Friend:** Can I ask you something? If I heard we were going to have about \$80,000 a year in property taxes, it seems to me this would be a greater value than 2.7 million dollars because that's what, basically, that would generate the property. How do you guys come up with \$80,000?

**Counsel for Petitioner Lockyear:** I don't have Steve Folz here with me but I did have the conversation with him. It's similar to what Dustin alluded to. This neighborhood grocery is not...doesn't fit a perfect category in the manual and so Steve tells me he wanted to be conservative on the estimate and kind of pigeonholed it into a basic convenience store. One of the other options was a supermarket and we're clearly not that because we don't have that size of a footprint. There was a neighborhood strip-center and those are in appraisers manual that allocate how many per square foot of store space the value is estimated so using that manual, that's where we came up with the 80.

**Councilman Friend:** In most cases, a lot of times these corporations will have a set entity that owns the real estate. Maybe you might know this. And you have a rent roll. You know, in other words...

**Counsel for Petitioner Lockyear:** We didn't...

**Councilman Friend:**...Houchens wouldn't own this. It'd be owned by a subsidiary, something outside from Houchens and Houchens leases it back, which would drive...which would drive the value based upon the lease rolls as you well know.

**Counsel for Petitioner Lockyear:** And this property will be owned and operated by...Jr.

Foods is wholly owned subsidiary of one of the Houchens entities so owned and operated so I don't know if the lease/rental income approach for a valuation, if that's where you're headed, is appropriate in this case. It wasn't considered. Again, Steve Folz just looked at it based on investment and plugged in the investment dollar into what the appraiser's manual says per square footage based on a 10,000 square foot store.

And then, I was going to ask...it was kind of a fall off of Missy's question, the pastor indicated that it had been sold a number of times to different entities. What were the kinds of uses that they were looking at?

**Counsel for Petitioner Lockyear:** I was not privy to those. If Pastor Jack would like to expand on that, I would ask him to.

**Church of the Cross Pastor Eberhardt:** *(Off Mic)* Do I have to be sworn in again?

**Councilman O'Daniel:** *(Off Mic)* No, you're good. This isn't court.

**Church of the Cross Pastor Eberhardt:** We've had a lot people look at the property. They're very interested in the property. They've looked at it for just the dirt, which would pay us \$100,000. I don't know what they'd make off of it. And then a venture capitalist looked at it and to expand it but the cost of moving Vectren line and water line and traffic was more than what they wanted to invest.

But what, with us, happened is we tied it up another year and so then we became pretty selective in who we talked to and we selected Houchens because they had the capital and the background to do what had to be to develop that property.

A restaurant, if that's what your question is. We have people very interested in it for apartments, if that's what your question is. And they have looked at it from the standpoint of Stop-N-Go type thing also.

**President Adams:** Okay, thank you sir.

**Church of the Cross Pastor Eberhardt:** Thank you.

**President Adams:** Let's wind it up.

**Counsel for Petitioner Lockyear:** Very quick. This slide, it's trite and trivial: Location, location, location. You've got to look at this property and realize that eventually something is going to be developed on this property. Again, my clients and I...I sense, and I know the neighbors are against it but I do sense that they understand that Houchens Industries is willing to go the extra mile. They will be there; employees will



be owners. They will be good stewards of the property and the neighborhood. It's going to take some more work. Between INDOT, City Engineer, Site Review, but again, from a land use perspective, this clearly is an appropriate land use. It's a buffer between the Lloyd Expressway commercial across the street and a residential neighbor buffered appropriately with landscaping and all the commitments in writing that we've told you about for the last hour.

So we would appreciate your entertaining our request and voting in favor of it.

**President Adams:** Thank you so much. I appreciate everybody's input in this very complex issue.

Okay, is there a motion to accept the amendment for Ordinance R-2014-24?

**Councilman Friend:** So moved.

**Councilwoman Mosby:** Second.

**President Adams:** Okay, I have a motion and a second. All those in favor?

Is there a motion to adopt Ordinance R-2014-24 Amended?

**Councilman Friend:** So moved.

**Councilwoman Mosby:** Second.

**President Adams:** Thank you so much. There's a motion and a second. Madam Clerk, will you call the roll please?

***Comments made prior to casting their respective votes:***

**Councilman McGinn:** I am going to say a few things. I appreciate your indulgence. I'm against this and I have been. I've been very up front with Krista. Everyone who has spoken with me does not want a gas station/supermarket in their back yard, you know. And then there are people that no one who has spoken to or about or have spoken with me but it's the hundreds and kids, and their parents, who go to Harrison High School every day whose lives are now going to be at a greater risk because this company is going to put up is going to put up the biggest sign they can. They're going to try to attract as many people as they possibly can to come off the Lloyd Expressway, turn right onto Fielding Court, or turn right into...directly into the property and then get out and that's going to happen. Their basic, you know, their own number; they're looking for 90 additional cars per hour. These are additional cars per hour.

And again, I'll over the scenario because I drove it again today to make sure I am absolutely correct with it even though I have driven this road and this route a hundred times in the past year. You're going zero miles an hour; you want to get on the Lloyd Expressway heading east at Green River Road. You accelerate to 55 miles per hour and try to merge. While you're trying to accelerate, cars are then switching lanes, decelerating so they can turn right on Fielding Court and pick up their...or turn right on Cullen so they pick up their kids. A quarter of a block farther there are cars, while the people are accelerating from zero to 55 from Green River Road and while the people who are turning right from Cullen are accelerating from zero to 55 to get on the Lloyd Expressway. You then have people who are decelerating from 55 to zero to turn right into Fielding Court. And then if those people, if five or six of those cars want to go to the gas station, they'll pull up there, they'll put their left turn signal as cars back up, four cars to the intersection and another seven or eight before the acceleration lane and deceleration lane is totally blocked, waiting for a rear-end collision. And I've only covered two of the portions of this particular street.

We are going to have our delivery trucks turning right from a 55 mile an hour area of the Lloyd Expressway, turning right into that new access with the hundred foot lane while cars that are turning right from Fielding Court are accelerating from zero to 55 miles an hour so it's the same thing. These cars are speeding up to go east on the Lloyd. The trucks and the people who want to go to the development are decelerating and fighting for that (*Inaudible*) lane. That's an accident waiting to happen. It is now increased because of the big sign. You know, first thing they do is have a gas war so people could come in and get used to going there so that 90 additional cars per hour... you know, it's unbelievable.

It took me three lights to turn left the last time I went there, the middle of last week, toward the end of the school rush hour. Three lights to turn left and there weren't any cars coming out of the proposed development trying to get to the left lane from the gas station, which had blocked the other two lanes, which will happen because I'll guarantee you the kids of the seven or eight hundred who drive and the seven or eight hundred parents whose (*Inaudible*); they're not going to leave that entryway open so that a car can get into it. The traffic jam is going to be horrendous and I don't know what INDOT's going to do but the only way that they can eliminate some of this traffic is if they keep the light on Fielding Court red for a long period of time which screws up the traffic synchronization for the rest of the 10,000 cars that are traveling east on the Lloyd Expressway from downtown so they're not going to do it folks, you know.

And then this company, you know, here's...I'd like to say Krista does a wonderful job but the concessions that were granted folks, the law requires that most of those concessions be granted anyhow. They can't put a gas station and have the light shine into the neighborhood. Common law and the laws of nuisance prohibit that. You know, they're

going to have to use a retaining wall because you can't just change a grade without making sure that the water and the dirt doesn't get in somebody else's lawn.

Houchens says that they always use the pretty rocks, the expensive rock. They always do the landscaping to make it look pretty. It's a concession but they didn't get anything. You didn't get anything exchanged for not fighting this, which by the way, I'm proud of all of you who haven't given up.

You know, parking lot; you have over 30 things, 30 places in the parking lot. You're required by our law to have islands with trees so landscaping was going to be there anyhow. So the only concession which is being granted, the best I can tell, is the berm will be prettier and higher and there'll be a fence on it.

So, you know, the gentleman who said, "The unknown devil", or whatever it was, I loved that quote. The...well, I don't remember what that was but the fear of the unknown, yeah, nice job. I like...I'm going to steal that once I remember what it is.

The...you know, concessions are made and these people are saying, "Gee, if we have to have it then, you know, that's okay. We'll have trees and stuff." Well let me tell you, we don't have to have this. There are only so many gallons of gas, so many gallons of gasoline, so many packs of cigarettes, so many lottery tickets, so many Coca-Colas that are sold in this town. If this company wants to have a success, who are they going to put out of business? Is it going to be one of the seven stores within a mile of this place? Is it going to be one of the five grocery stores within a mile of this place? Which already existing, Evansville owned, taxpayer paying business are they going to put out so that they can be successful? I don't know which one it is, you know? I don't know. Is it the one at Burkhardt? Is it the one at Indiana? Is it the one at Green River and Tecumseh? Is it the one at 261 and I-164? Is it the one at Burkhardt and Outer Lincoln...or Burkhardt and Washington, the Shell station there? I don't know. On of 'ems going because the fact that there's a new store will not increase the demand for cigarettes, coffee, caffeinated drinks, gasoline, and a loaf of bread, you know, so who they going to put out?

And again, we don't have to have this. These people don't want this in the neighborhood. This is a development that will set the stage for what is going to happen in that area. We popped gas station and convenience store in a neighborhood; it's covered by...the houses border up to this thing on three different sides. And they say, "Well, you know what you're going to get. We're going to make concessions, you know? You don't know what you're going to get. It might be worse". Well guess who's in charge of whether or not it's worse. Us? If we do our jobs it will not be worse. We can do proper planning. Right now it's R-1. You can put single family development on

that house. Anybody wants an apartment complex, we don't like the way they're doing it, we don't like their plan, we vote it down.

We are in charge of the development, not Houchens Industries, a multi-billion dollar company that I don't care what you say, their interests are to increase their corporate wealth. I mean 1.9 billion dollars to sell their tobacco industry. How much more money do you need? You know they got 500 hundred of these stores; 500 hundred of these stores, you know? They try everything that they can to buy from their own suppliers. You know, they're not benefiting anybody except Houchens Industries.

So, you know, if we do our jobs we can control the zoning there. The neighbors don't want it so why would we do this to them? Why would we increase the risk to their children? Why would we accept the fact that the traffic plan they submit doesn't comply with INDOT, which increases the risk of death and injuries to our children. I see nothing good about this except a Kentucky, privately owned business that makes...grosses billions of dollars just wants more, you know? I vote no.

**Councilwoman Brinkerhoff-Riley:** You know with...Councilman McGinn, I have the utmost respect for you and I understand what you've said in relation to the people that you represent, you know. I look at it as an inevitability that the only thing that would satisfy the neighbors would be that it remain a church and I don't know that that's possible or if that's a restriction that should be placed on the current seller. It's, you know, we're talking about a lot that adjoins a six-lane highway and I am going to support this because it won't go forward until INDOT deems the traffic plan safe and with that I vote aye.

**Councilwoman Robinson:** Yes. The one problem I have is that I heard, and I don't know if Ms. Lockyear had told someone that you have a choice. You have a low-income apartment complex for poor people or you have a gas station. So when start comparing poor people with a gas station? You know I didn't like that comparison at all.

But it is economic development. As Councilwoman Riley said, the final decision is...has to be approved by INDOT. I know you had...the company had several people coming up here and happy they were that they were employees. I hope that I see diversity somewhere in your company line. I didn't see it tonight but I hope I do see it in the future. I don't know if you do believe in diversity or not but I hope you do. For the...otherwise, I vote yes.

**Councilman Friend:** One thing I may say is that because it is subject to INDOT, their approval, one thing I notice that most of us here, anytime we have more investment in our community, you find out we got to phase everything in. You know I find that more and more. How many millions of dollars have we...come before us in this last year

about...to get them to invest in Evansville we got to give 'em a ten-year phase-in, which is fine. I get the jobs and whatever else but every time I see someone come up in front knowing that there's no phase-in and we're going to get this money we really desperately need. Our budgets are really busting; we all know that. With that, I vote aye.

**Councilman O'Daniel:** I disagree with you a little bit on this. I don't think it's about the money and it can't be. I mean I clearly understand the neighbors that adjoin this and why they would not want it in their back yard but, again, you can't look at it solely on them alone either. You have to look at it...what is the best interest of this entire town? And while Councilman McGinn indicates we do have a choice in what we allow to go there, I agree with that and so you look to what are the kinds of things that would legitimately go on that corner of that intersection. We know it's not going to be homes. It's been for sale for two years and I know they've operated a daycare center up there part-time. They've tried to sell it a couple of different times to whether it be apartment complexes or other businesses and those have fallen through.

This does make sense to me. You know I don't think it's going to necessarily put other operators out of business. I think it will offer additional convenience and additional choice for people around here. I mean we look at...I look at this as a small Aldi or a big Thornton's kind of thing. You know, Aldi thrives on its little niche in the market. You know the Thornton's thrive in their niche in the market. It probably takes away from the Walmarts of the world or the Targets of the world.

I disagree that it's going to cause safety issues. Of course we're guessing at that. I think what we've heard is that in essence it may actually increase safety because that is a bottleneck there at times of the day and if you add additional turn lanes with directional arrows getting out there as well as an additional lane going north I think that can enhance traffic flow as you get through there.

I do feel for the people that live next to it. I don't buy the notion that their property values won't decrease. I think they will a little bit and to that end I do understand but this is a balancing test that we all have to go through and to Councilman Riley's point, it is somewhat inevitable. I like their plan; I think it fits and for that reason I vote aye.

**President Adams:** Well ladies and gentlemen, this has already passed. The easiest political thing here is to vote aye but I've gone to every darn meeting. I've got to every you can say. My colleague, Dan McGinn, makes an impassioned, intelligent refutation for this. I vote no.

**ROLL CALL:**

**Ayes:** Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel

**Nays:** McGinn, Weaver, Adams

**President Adams:** It therefore passes six (6) to three (3). *Ordinance R-2014-24 Amended is hereby declared adopted.*

**Counsel for Petitioner Lockyear:** Thank you members of Council.

## **CONSENT AGENDA**

### **SECOND READING OF ORDINANCES AND RESOLUTIONS**

|                                   |                       |                        |
|-----------------------------------|-----------------------|------------------------|
| <b><u>RESOLUTION C-2015-1</u></b> | <b><u>FINANCE</u></b> | <b><u>O'DANIEL</u></b> |
|-----------------------------------|-----------------------|------------------------|

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and the Acquisition and Installation of New Equipment - Sigma Packaging, LLC (3001 Maxx Road and 2000 Lynch Road)

|                                   |                       |                        |
|-----------------------------------|-----------------------|------------------------|
| <b><u>RESOLUTION C-2015-2</u></b> | <b><u>FINANCE</u></b> | <b><u>O'DANIEL</u></b> |
|-----------------------------------|-----------------------|------------------------|

A Resolution of the Common Council of the City of Evansville In Support of Economic Development Incentives Offered to Sigma Packaging LLC by the City of Evansville to Expand Operations at 3001 Maxx Road and 2000 Lynch Road

## **COMMITTEE REPORTS:**

### **FINANCE COMMITTEE:**

### **CHAIRMAN O'DANIEL**

**Chairman O'Daniel:** Mister President, your Finance Committee met this evening to hear ***Resolutions C-2015-1 and C-2015-2*** and both come forward with do-pass recommendations.

**President Adams:** Do I hear a motion to adopt Committee Reports and move Resolutions to...

**Councilman Friend:** So moved.

**Councilwoman Mosby:** Second.

**President Adams:** I have a motion and second. All those in favor? Those opposed? *(Unanimous Ayes)* Third Reading.

## **REGULAR AGENDA**

### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

|                                   |                       |                        |
|-----------------------------------|-----------------------|------------------------|
| <b><u>RESOLUTION C-2015-1</u></b> | <b><u>FINANCE</u></b> | <b><u>O'DANIEL</u></b> |
|-----------------------------------|-----------------------|------------------------|

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and the Acquisition and Installation of New Equipment - Sigma Packaging, LLC *(3001 Maxx Road and 2000 Lynch Road)*

**President Adams:** Okay.

**Councilman O'Daniel:** *(Off Mic)* Move to adopt the Resolution.

**Councilman Friend:** I second that motion.

**President Adams:** Well no, I thought...I was waiting for her to say to her to say the road.

There's a motion to adopt...is there a motion to adopt Resolution C-2015-1?

**Councilman O'Daniel:** Yes.

**Councilman Friend:** Yes, and I seconded it.

**President Adams:** Okay, there's a motion and second. Please call the roll.

**ROLL CALL:**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

**President Adams:** It passes (9) ayes and zero (0) nays. *Resolution C-2015-1 is hereby declared adopted.*

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2015-2**

**FINANCE**

**O'DANIEL**

A Resolution of the Common Council of the City of Evansville In Support of Economic Development Incentives Offered to Sigma Packaging LLC by the City of Evansville to Expand Operations at 3001 Maxx Road and 2000 Lynch Road

**President Adams:** Is there a motion to adopt Resolution C-2015-2?

**Councilman Friend:** So moved.

**Councilwoman Mosby:** Second.

**President Adams:** Thank you. A motion and a second. Roll call please.

**ROLL CALL:**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

**President Adams:** That's nine (9) ayes and zero (0) nays, Resolution C-2015-2 is therefore adopted.

### **MISCELLANEOUS BUSINESS**

There will not be a meeting on February 2, 2015. The next meeting of the Common Council will be Monday, February 9, 2015 at 5:30 p.m. Committee meetings, at this juncture, begin at 5:20 p.m.

### **GENERAL ANNOUNCEMENTS:**

#### **General Call for Nominations**

The Common Council of the City of Evansville is now accepting nominations for members of the Affordable Housing Fund Advisory Committee in reference to Municipal Code 3.35.040. These individuals must be nominated to the City Council after a general call for nominations from township trustees, community development corporations, neighborhood associations, community based organizations, and other social services agencies to represent the community at large.

I advise the public please send your contact information along with your nominees' resume and contact information to Evansville City Clerk, Laura Windhorst at [boards@evansville.in.gov](mailto:boards@evansville.in.gov) no later than February 1, 2015. Please note that your nominees must live within Evansville city limits.

#### **Youth Grants**

The public can now pick up applications for 2015 Youth Leadership and Youth Sports grants in the Evansville City Clerk's office, in Room 314 of the Civic Center or download online at [www.evansville.in.gov/youthgrants](http://www.evansville.in.gov/youthgrants).

To receive either grant, a person or organization must submit an application by 5:00 p.m. Friday, February 20, 2015.

We are now fortunate to have talented report by our Controller, Russ Lloyd, on the Annual City Investment Policy & Investment Report Presentation

**City Controller Lloyd:** Thank you Council President, Controller Russ Lloyd and I had passed out previously a green binder, 2014 Investment Report. I can take you through it briefly.

The first couple pages are a memo to the Council and it just summarizes some of the investment information as of 12/31/14 so you've got outstanding investments: \$102,967,310; about a 30 million increase over the prior year and the majority of that would be the Sewer Utility issued bonds and they have those invested. And the total interest earned \$267,722 versus the prior year, \$214,690 and there's a little market commentary there. We did see rates, while they're still tremendously low, they bounced



up a little bit in 2014 and the markets are indicating to us that the rates could move up slightly in 2015. Of course the market, nobody predicted the fallen oil prices and some of the other things but the Federal Reserve has indicated that they are looking to move up the interest rates second half of 2015.

And the City, on our end, and I think the Utility as well, we've been a little more aggressive, more investing and with those higher rates and maybe moving the maturities out a little bit, we were able to increase returns.

Then the last section of the memo I've got a breaking out of separate funds so you can see some of the investment returns from 2014 versus 2013. Metropolitan Development, which would be their loan interest and some of their other loan programs. And then separate funds that Council has shown interest in, or that we like to highlight. The Rainy Day Fund, the interest earnings there increased. The Downtown Master TIF, their balances are slightly lower so that interest is lower.

And then on the next page, you've got the Riverboat Fund, \$18,000 in interest; slightly lower. Local Income Tax, \$10,657 versus \$12,000 in the prior year; slightly lower. The Police and Fire Pension, I think part of that was timing. I think in '13 there were some investments that hadn't matured. We report these on a cash basis so it's when the money actually comes in so in '14, I think those are more normal amounts: \$6,225 for Fire Pension; \$6,090 for Police Pension. The Bond Bank, which would be, in addition to investment interest, its interest on their leases that they have for the energy savings investment contracts. And then the Levee Authority, theirs was up slightly.

The next section is just the City of Evansville Investment Policy. I think that's four pages; just kind of a standard policy that we've used. It sights Indiana code for some of the investments.

And then the next section would be...it gives a breakdown by financial institution of where the investments are as of December 31 so you got the various local banks. Some of the bond funds are invested outside this community and you see the Hoosier Fund, the very last one in that group and that's the Water Utility. Their board authorized them to use the Hoosier Fund. That's something that I sent you that memo that we're asking for your permission to do that and we'll have to submit the ordinance to do that.

And then the second grouping, it shows your investment type: 76% in Certificates of Deposit, 23% in Money Market Funds, and some Trust Funds, the rest of it. And then the category, Operating versus Restricted, 29% in operating and 70% in restricted. The restricted would be related to bonds and so they...they're invested but the City can invest 'em but they can only be spent for certain things.

And then the last section would be Detail by Fund of all the investments and lists out the Certificates of Deposit or Money Mark and from the various financial institutions.

And then the last section, it actually shows you the logs for each fund, so that's by fund. You could go in there and look up Sewer Reserve Fund, Redevelopment Authority Fund, and Locust Hill Perpetual Care, some of the various trust funds.

Happy to answer any questions on the Investment Report.

**Councilman Friend:** Russ...

**City Controller Lloyd:** Yeah?

**Councilman Friend:** I know this answer but just for the public and everybody here, we're not under the FDIC rules, we're under different rules as far as the...

**City Controller Lloyd:** Right.

**Councilman Friend:**...when we go...so much money in these financial institutions, correct?

**City Controller Lloyd:** Right. There's some State of Indiana guidelines that we follow. The State Treasurer...and they ask that we diversify the risk. I don't know if that's got a percentage in there or not. I was thinking 25% for one institution and maturities between not more than five years is what they're looking for.

**Councilman Friend:** You feel we don't have any off-book risk or any concentrations, correct?

**City Controller Lloyd:** No. No, I think we've got it pretty well diversified and the State actually...all the financial institutions in our...that we're invested in, there's a State of Indiana list that the treasurer keeps and they're all on there and we have to...in fact, one of the newer ones we told 'em, "Hey, you have to get on that treasurer's list for us to invest", and they did.

**Councilman Friend:** Okay.

**City Controller Lloyd:** Any other questions?

**President Adams:** Great. Are there questions...any comments from our remaining people here? Great.

Okay, thank you so much.

**City Controller Lloyd:** I mean I would...I guess we would ask that you would adopt this or that...if you'd be willing to do that.

**President Adams:** Entertain a motion to adopt.

**Councilman Friend:** So moved.

**Councilman McGinn:** Second.

**President Adams:** Second?

**Councilman McGinn:** Second.

**President Adams:** Motion's been made and seconded. All those in favor? All those...any opposed? *(Unanimous Ayes)* So...

**City Controller Lloyd:** Great, thank you Council.

**President Adams:** Thank you sir.

**City Controller Lloyd:** Then real quick, you got a memo on the Hoosier Fund and that's for your review. It's...they offer a Money Market Fund that pays a little bit higher than some of the local funds. The Utility has been using it and the gentleman from the Hoosier Fund would like to come and speak to the Council. We can work that all out. But anyway, be happy for you to take a look at that and if you have any questions...they do invest in AAA rated and U.S. Treasuring backed securities so they're a very high quality fund. And anyway, just like your consideration on that.

**Councilman O'Daniel:** And that just be those things that are operation....

**President Adams:** Just let us know.

**Councilman O'Daniel:**...operating funds rather than the Water & Sewer...

**City Controller Lloyd:** It'd be more daily, yeah, park it for seven days or thirty days. They actually do have some CDs but it would be more...

**Councilman O'Daniel:** Shorter term.

**City Controller Lloyd:**...shorter term, yeah.

Okay, thank you very much.

**President Adams:** Thank you so much sir.

Okay, Ms. Dewey, join us. Sorry to keep you so late.

**GAGE President Dewey:** For the record, Debbie Dewey with the Growth Alliance for Greater Evansville and as required by our services contract with the City, I'm here to give an update on activities for 2014. I'll pick out the highlights because I know everybody's tired. You will be receiving our annual report; will be out by the end of this month. Everybody will get a copy. It'll also be provided to the media and the public.

In 2014 we responded to over 280 requests for information or assistance and worked over 75 attraction, retention, or expansion projects, and I've told you before that we have to kiss a lot of frogs to find the princes. Fortunately, with all that activity and working those projects we did find a few princes.

In 2014 we landed projects that have an annual positive economic impact of 136 million dollars per year; that will retain 446 jobs and add 579 new jobs with wage rates from \$15.62 per hour to \$50.00 per hour and an average of \$25.42 per hour.

The new Shell building at the Vanderburgh Industrial Park was completed and we have a lot of open projects we're working. We expect to fill that in 2015.

Since we redefined our mission four years ago, we've handled 1,300 requests for assistance and closed projects that are adding 2,100 new jobs and retaining 1,100 existing jobs with a forecasted economic impact of over 430 million dollars per year. So for the investment and the activities that we get from public and private investment, that's over 1,000% return on investment in terms of economic impact.

In 2014 we developed cold-call marketing packages for targeting optics and photonics companies. We researched target companies for food processing, and we also developed a strategy and targets for bio-medical companies that we...and start-ups that we hope will tie in with the research focus that's going to be at the new IU Med School.

The local entrepreneurial eco-systems continue to develop and grow. Our Tech on Tap series of meet-ups now has nearly 470 registered members. We continue to provide one-on-one mentoring to new company start-ups and conduct pitch practice sessions. In fact, in 2014 we got grants from Vectren and Fifth/Third to offer Kaufman Fast-Track training to entrepreneurs who wanted to start businesses. We had 13 aspiring entrepreneurs receive scholarships through this program. They went through a 30-hour

program that, with Follow On Mentoring, covered everything from how to read financial reports, how to do market analysis, how to do competitive analysis, how to ask for money, what kind of pitch to do to ask for money, and of those 13 participants in 2014, it included three minority, five women, one veteran, and one disabled resident of the City of Evansville.

Innovation Point is at 99% occupancy and three start-up companies graduated at Innovation Point last and moved on to bigger spaces.

We opened a co-working space for local entrepreneurs that already has 22 members. It's outgrowing its existing space and its part of a network of co-working spaces within the State of Indiana. If they're a member here they can use any of the co-working spaces in the State of Indiana.

We sponsored and provided mentor services to the third Start-Up Weekend. We led those last three weeks of USI's Technology Commercialization Academy where the Growth Alliance took students through looking at Crane Patens Naval Surface Warfare Center at Crane Patens, coming up with commercial ideas, trying to get it to a point where somebody would pick up on it and in fact three of those ideas are being continued with entrepreneurs, one of them with a student entrepreneur group.

We participated with communities from 150 counties in Global Entrepreneur Week with a number of events here in our co-working space and we continue to be very active in the I-69 Innovation Corridor Initiative. We lead the Innovation Entrepreneurship Networks Task Force and participate on the Brainpower Task Force that's looking at the workforce we need today and tomorrow.

And with all of that, I'm going as fast as I can, we also produced the fireworks and we're looking for anybody else that wants to take that job over.

*Laughter*

Those are the highlights. I do want to thank the Council for all the support that you give us and helping us do what we do. Thank Councilman Friend for participating on our Board of Directors. And if there are not questions, that's a fast 2014 report.

**President Adams:** Any questions from Council tonight.

**Councilman Friend:** No. That was quick. Thank you.

**Councilman McGinn:** Thank you for the fast.

**GAGE President Dewey:** Thank you.

**President Adams:** I'm sorry. Any comments from the crowd? Great.

Thank you so much Debbie.

We have an impromptu guest to make a little report tonight; Kelley Coures.

**DMD Executive Director Coures:** *(Off Mic)* It's awfully late. Sure you want to listen to me?

**City Council Attorney Danks:** *(Off Mic)* Five minutes.

**DMD Executive Director Coures:** Well Conor O'Daniel...Councilman O'Daniel called me today and, you know, anytime a councilman calls, whatever they want that's what I do so Conor asked if I would come and update Council on the Owen Block, which is the hot topic of the *(Inaudible)* Conor asked me if I read the blogs. I said, "Well I don't have time to read the blogs. I'm glad that you do".

The Owen Block is, briefly, the building at Second and Chestnut. It's currently painted blue. It is a Second French Empire Row house, which is one of the very few French Second Empire Row houses that exist in the United States. It is in sad condition. Its current owners allowed it to deteriorate and they did not pay the property taxes. It was sold at tax sale to a Chicago holding company.

In September I started working with Indiana Landmarks to evaluate the property because I felt something had to be done one way or the other. Indiana Landmarks is the largest such not-for-profit that specializes in historic preservation in the United States. It's funded by grants; it's funded by contributions. It has an endowment from the Lilly...Eli Lilly in Indianapolis. They're currently renovating the exterior of the Greyhound Bus Station here in Evansville.

So Indiana Landmarks agreed to do a...fund an engineer's report on the building. They contracted with RC Engineers from the mid...the central part of the state and the engineers came and did a walk-through the building. They wouldn't go on the roof. I wouldn't go...I won't even go in the building because I have a brain in my head, but they wouldn't go on the roof. The roof's been open to the weather for a couple of years now. The current owners, in an effort to renovate the building, spent considerable money inside the building but didn't do anything with the roof and that's really what caused a lot of the current...you know, water can do as much damage as a fire.

So Indiana Landmarks funded this engineer's report and they brought it to me December 18<sup>th</sup> and this report was very detailed. It had an awful lot of information in it. They asked me not to make it public, because they owned it, and I said that I would not. However, I asked if I could make it available to the mayor, and to the Building Commissioner, and to the City Attorney and they agreed that I could because there were some things in there that really concerned me. The most important was the chimney on the Second Street side of the building which looked like it had separated from the building about four to five inches and that really concerned me and it concerned the Building Commissioner so then we asked the mayor. The mayor said, "Yes. Do whatever you need to do", so we fenced the building in and I had a long conversation with my historic preservation officer, who has stayed this entire Council meeting. We decided that in addition to putting the fence up that what we needed to do was issue a last call that this building...something had to be done with the building one way or the other and it needed to be done right now so Indiana Landmarks asked if they could have 30 days to try and do some fundraising, that they could talk to some of their major donors, some of the people that help fund this remarkable organization nationwide. And I said, "Yes", so we set a hearing date for the 22<sup>nd</sup> for the Building Commission to seek a raze-order on the building if something couldn't be done.

So in the meantime Indiana Landmarks' Marsh Davis called me about a week later and said, "Kelley, if the City could kick in \$100,000...they had a long meeting and a walk-through with Mike Martin who you...we all know as a renovator of historic structures: the Audubon, the Euclid, the Marlocon, the old Baynam's store on Main Street. He's done a remarkable job with structures. He's redoing the Maybelle and the Montrose at Haynie's Corner and Mike Martin said if he could get a jumpstart, if he could get...and he gave a figure of \$440,000, to stabilize the exterior of this building, to do the brickwork, to secure the chimney, that if he could get that jumpstart that he could put back into this 15 living units and he could do that on his own dime with his own resources, his own funds.

And then the big sale on that, to me, was that it would return this building to the tax rolls and we...I estimated...I looked up taxes on buildings with a similar size and with a value of about a million dollars, which is what this building should appraise for at 15 units, with this historic place, in this neighborhood. It would generate somewhere between \$20,000 and \$30,000 a year in property taxes, so with that being said, I combed our resources that we had, which are limited. I know people seem to think there's a money tree but there's not. So we've compromised. We had a meeting with Councilwoman Robinson, and Mayor Winnecke, and Marsh Davis, and several of their board members and came up with a plan that I could take \$50,000 from an old Urban Development Action Grant, which I think may be so old that it was obtained by Frank McCloskey. I believe they used to do things called earmarks. Congressmen could get earmarks and it's the same fund that we...that was used to redo the exterior of the

Alhambra. It was for the curing of blight in urban neighborhoods. That's what UDAG was intended to be used for and that's what that grant...that's the purpose.

So we took \$50,000 from there and then what Indiana Landmarks agreed to, I couldn't use the...because you kept from reverting, luckily, the proceeds from a bond that was from the old Front Door Pride program, and of course this building falls within the Front Door Pride area but it could only be used for demolition, acquisition, and sidewalks so we compromised and after the renovation takes place then the City...we will use \$50,000 from that Front Door Pride bond to install and redo the sidewalks on that block because they're in really bad shape. There may be...we may be able to move some utility poles along there to make it better, to make it more ADA compliant today.

So there's the \$100,000 and Indiana Landmarks that they would raise...they would seek to raise the rest. In the meantime a group of local citizens started a fund-raising campaign. Several major donors offered as a matching grant \$40,000 and at last report, when I checked, they were only about \$4,500 away from raising this other \$40,000 themselves. There's a facebook page that people can on go and make private donations. I've had calls from California...I told Conor on the phone, I've had calls from Florida, people that used to live here, that have picked this up on the internet and want to help and donate money.

So Indiana Landmarks, at the hearing on the 22<sup>nd</sup>, I supported an extension until the March Code Enforcement hearing to extend the seeking of a razing of the building to allow Indiana Landmarks to do two things: To complete their fundraising and to have a board meeting. Their Executive (*Inaudible*) will meet February 18<sup>th</sup>, at which time they will exercise an option to purchase on the building that they've had for a year. Before it expires they will exercise that option (*Inaudible*). They will own the building. At which time they have sufficient funds, that our \$50,000 is matching what they agreed to raise, then they will turn the building over to Mike Martin and he will go to work immediately to cure not only the Code Enforcement violations, not only stabilize the exterior, but to start creating those living units in the building. He says he's ready to go. He says that actually the Euclid on Third Street, which was very successful, was in worse shape than this building is according to his...and I don't think Indiana Landmarks, number one, is a very careful organization with their money and they would not put their faith in Mike Martin. And Mike Martin told me that he could do it and if Mike Martin can look me in the eye and say he can do then I believe him.

And that's where we are today. And Conor, you asked me about another property that Mike Martin has and that's where I think you mentioned the blogs or something. You asked for an update on the fire alarm building, which was a 1919 structure on Baker Avenue. Mike has been working. He...that is intended to be his new offices. His current office location at Eighth and Washington is for sale. He is trying to sell that building and



he's not going to move until he sells it. He has put \$70,000 into it so far but he did buy it for \$100.00 and it was offered at public sale and he was the only bid that came in on the fire alarm station and he's put \$70,000 to date, he's completed 100% of the exterior brick tuck-pointing. He has replaced 250 bricks on the southern parapet wall, which had...was in a state of collapse; he repaired that. He's completed the interior demolition of all walls and ceilings; ready to do the interior work. He's acid cleaned the entire exterior. He's painted all the trim. He's replaced the exterior door with a new commercial steel door and frame with an industrial lock set. There was no electric service to the building and he has restored a 200 amp electric service to the building.

One of the issues he has right now is there's no water service so he has to get with Water & Sewer and get the water extended back to the building, so he's got to do some heating and cooling upgrades. There's some miscellaneous work that he needs to do but he can't move into that building...he really doesn't want to move until he sells the building that he's in so as soon as that takes place, then he'll finish the rest of this interior work that he needs to do but he can't move in to that building...he really doesn't want to move until he sells the building that he's in so as soon as that takes place then he'll finish the rest of this interior work and connect it to the water system and he'll be done.

**President Adams:** Okay...

**DMD Executive Director Coures:** But it's another excellent restoration.

**President Adams:** Okay, does anyone have any questions?

**Councilman Lindsey:** I got one question. You mentioned Mike Martin. Was this opportunity given out to anyone else to possibly step up and do that work?

**DMD Executive Director Coures:** That building was offered for sale.

**Councilman Lindsey:** But not with these terms. You don't understand my...all right, okay.

**Councilwoman Brinkerhoff-Riley:** The Owen Block, I think, is what he's referring to.

**Councilman Lindsey:** Owen Block, Owen Block.

**DMD Executive Director Coures:** The Owen Block's been for sale for years. It's been on the market for years.

**Councilman Lindsey:** Okay, that has nothing to do...he's not going to buy this building, is he?

**DMD Executive Director Coures:** Indiana Landmarks is going to purchase it. They're going to pay the...

**Councilman Lindsey:** That was my question.

**DMD Executive Director Coures:**...they're going to exercise their option to purchase.

**Councilman Lindsey:** That was my question. Have you offered...have you offered this opportunity to anyone else?

**DMD Executive Director Coures:** It's been for sale forever. I didn't offer anybody an opportunity. Indiana Landmarks has stepped up and offered to...they signed an offer to purchase a year ago and they're offering to exercise it. No one else has stepped up to acquire the building.

**Councilman Lindsey:** I'm not talking about acquiring the building. Is Mike Martin going to buy the building?

**DMD Executive Director Coures:** Mike Martin...one it's Architectural Renovators' property they...or once it's Indiana Landmarks', they can do what they want to with it.

**Councilman Lindsey:** So other contractors or anyone else that might want a step up could possibly be involved?

**DMD Executive Director Coures:** Indiana Landmarks...Indiana Landmarks can do whatever they want to with the building.

**Councilman Lindsey:** Okay.

**DMD Executive Director Coures:** They can sell the building; they can offer the building to somebody else.

**Councilman Lindsey:** Well it kind of sounded like it was a done deal.

**DMD Executive Director Coures:** Well nothing is a done deal until they exercise their option to purchase.

**Councilman Lindsey:** Okay, well I misunderstood you then. Thank you.

**Councilman O'Daniel:** Yeah I...and maybe clarify that. You know, you talked about Mike Martin as opposed to anybody else but has Indiana Landmarks worked with Mike Martin before?

**DMD Executive Director Coures:** He's working on the *(Inaudible)*.  
*Speaking Simultaneously*

**Councilwoman Robinson:** Right now.

**Councilman O'Daniel:** Exactly and that's *(Inaudible)*.  
*Speaking Simultaneously*

**DMD Executive Director Coures:** He has a long track-record.

**Councilman O'Daniel:** His track record is maybe why we presuppose how this may work.

**DMD Executive Director Coures:** Uh-hem.

**Councilman O'Daniel:** And I guess if Indiana Landmarks doesn't step up and exercise their option on the 18<sup>th</sup>, then what happens?

**DMD Executive Director Coures:** Well if they decide not to acquire the building then we'll have another Code Enforcement hearing on March 12<sup>th</sup>, at which time they'll seek a raze order on it.

**Councilman O'Daniel:** And what will that cost?

**DMD Executive Director Coures:** Well it will cost approximately between \$85,000 to \$100,000 to tear the building down.

**Councilman O'Daniel:** So we're in for \$100,000 one way or the other.

**DMD Executive Director Coures:** Which won't return us anything.

**Councilman O'Daniel:** Okay.

**DMD Executive Director Coures:** In fact it will cost us money because then it will not go back on the tax rolls and we'll have to mow it forever.

**President Adams:** Okay, any other...

**Councilwoman Robinson:** I'd like say that in that meeting Indiana Landmarks feels very comfortable with Mike Martin doing the project. In fact that...I think that's one

stipulation is that they wanted Mike Martin to have the project and there is...I know Al, what you're saying. You're asking was the opportunity given to anyone else with this UDAG grant. You don't have to go out for proposals and we're also...so Indiana Landmarks, it's going to be their property and they don't have to out for proposals and they want to...those are the same questions I asked in the meeting. They want Mike Martin because of his proven track-record.

**DMD Executive Director Coures:** The City won't own it.

**Councilwoman Robinson:** No, the City won't and the one thing about this, the neighbors, they're so excited about this project and I think the Downtown Neighborhood Association down First Street and all that, they've already...they're giving money to it and one individual has donated, I think, \$10,000.

**DMD Executive Director Coures:** Twenty thousand.

**Councilwoman Robinson:** Was it \$20,000? So that just an individual, so you know if I *(Inaudible)*...

**DMD Executive Director Coures:** Anybody could have bought it. It was us for tax sale. Anybody could have bought it that wanted to. Nobody did.

**Councilwoman Robinson:** And we know in Pigeon Township we need more property on the tax roll.

**DMD Executive Director Coures:** Yes we do and we need more housing downtown.

**President Adams:** About three or four months ago you dragged me over there and I just thought this place a complete shambles. I'm absolutely amazed that this is going to be, hopefully, something to come back and dunned you last week because I wanted to know what ROI, Return on Investment, after everything's said and done and you gave me a wonderful analysis on this thing because what I was afraid, when we're all said and done, it wouldn't it wouldn't be making any for anybody and it would get, again, go fallow slowly but surely if it wasn't making enough...any money.

**DMD Executive Director Coures:** Well that was the propo...the proposal, my predecessor actually cancelled the initial raze order in 2013 and then it sat there. We had a couple of developers come through that wanted to do things and they couldn't make it happen.

*Speaking Simultaneously*

**President Adams:** Time out; enough history. The bottom line is that...thank you for that evaluation...

**DMD Executive Director Coures:** You're welcome Doc.

**President Adams:**...and I think this a great project and off we go.

**Unidentified Speaker:** *(Off Mic)* Thank you.

**President Adams:** Okay, great. Any other comments?

Okay, we now come to **Board/Commission Appointments** and I guess the best way to do is just start at the top and see if there's any discussion about any of these boards as we go and when we get to places where there more people than slots we have a little, if you want, people you are interested in we can see and then have a quick vote and be done with it.

### **Board & Commission Appointments**

| <b>BOARD</b>                                 | <b>TERM</b> | <b>CRITERIA</b> |
|--|-------------|-----------------|
| <b>ADVISORY BOARD ON DISABILITY SERVICES</b> |             |                 |

**President Adams:** Ms. Stephanie Goebel has offered to stand up. By the way I really appreciate you guys giving all the résumés. We actually are voting on people we actually have an awareness of what they are. Any comment about Stephanie Goebel, one way or the other.

**Councilwoman Brinkerhoff-Riley:** I just would recommend that...I'm not aware of somebody else and I'd recommend that she stay in the slot.

**President Adams:** Well we'll get...we're going to appoint...yeah, okay great.

**Member must have a physical, mental, or sensory impairment which substantially limits one or more of a person's major life activities or has a record of such impairment**

1 Appointee: **Stephanie Goebel** 2 years 01/01/2015 - 12/31/2016

### **BOARD OF EXAMINERS OF HVAC, STEAMFITTERS AND REFRIDERATION INSTALLERS**

**President Adams:** The **Examiners of the HVAC And Steamfitters and Refrigeration:** Jason Blondin. Again, any comment one way or the other? He looks very capable to do that.

**Five (5) years-experience in one of the trades of HVAC, Steam Fitter or refrigeration**

1 Appointee: **Jason Blondin** 1 year 01/01/2015 - 12/31/2015

## **CENTRAL DISPATCH**

## **City Council Member**

**Councilwoman Brinkerhoff-Riley:** I'd like to make a motion...

**President Adams:** Hold on a second. Central Dispatch; Jonathan Weaver has done it. Any comments one way or the other?

**Councilwoman Brinkerhoff-Riley:** I make a motion for Al Lindsey.

**Councilman O'Daniel:** I'll second that.

**President Adams:** Okay, we've had a motion and a second. Any other...

**Council Woman Mosby:** I do have a question. You had sent...given us out a list the very first meeting.

**President Adams:** I apologize.

**Council Woman Mosby:** You had given out a list the very first meeting and on it you still had Jonathan Weaver as getting to continue on Central Dispatch.

**President Adams:** Yeah I did. Yeah. He did, yeah. I apologize. Yes, you're right, yeah. Okay, is there any other appointees? Any other nominations for this Central Dispatch? Okay, all those in favor of Al Lindsey.

**Councilman O'Daniel:** This is Jonathan, I mean, just voice vote?

**President Adams:** Yeah.

**Councilman O'Daniel:** Okay.

**President Adams:** All those in favor?

**Councilman O'Daniel:** Of? Which one? Al or Jonathan?

**President Adams:** There's only been one nomination...

**Councilman O'Daniel:** Oh, okay.

**President Adams:**...and that's Al.

**Councilman O'Daniel:** Okay.

**President Adams:** Is there a...

**Council Attorney Danks:** *(Off Mic)* Are there any other nominations.

**President Adams:** I've already said are there any other and there were not.

**Councilman Weaver:** I'd like to stay on the board. You know we...

**Councilwoman Robinson:** *(Off Mic)* Somebody needs to nominate you.

**Council Woman Mosby:** I nominate Jonathan Weaver.

**President Adams:** Okay, is there a second?

**Councilman Weaver:** I'll second.

**President Adams:** Okay, so there's a nomination and a second. We have two people for the thing...

**Council Woman Mosby:** And I do have one question.

**President Adams:** Sure.

**Council Woman Mosby:** You had already given out the sheet and said that Jonathan was going to remain on there so why is this up for a vote?

**President Adams:** I apologized. There is a sheet with a person's name who was already serving but we still have to vote again to confirm that particular person. Anyone on this sheet has to be reconfirmed by this body and frankly I was not aware of this change and so I'm trying to go by procedure here.

**Council Woman Mosby:** Sure.

**President Adams:** Okay? We first have...the first nomination. All those in favor say aye. All opposed?

**Council Woman Mosby:** Nay.

**President Adams:** Nay. There are six ayes and...I'm sorry...three nays...sorry. Six (6) ayes, yeses, and three nos. Al Lindsey is the Central Dispatch for this coming year.

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1 Appointee Al Lindsey 1 year 01/01/2015 - 12/31/2015

## CITY ENDOWMENT FUND

**President Adams:** Dan McGinn, myself, and Conor O'Daniel. Dan McGinn has served as the republican representative and then we have whoever is the president and whoever is the Finance Chair so that's pretty straightforward.

|             |                                      |  |
|-------------|--------------------------------------|--|
| 1 Appointee | One (1) Year 01/01/2015 - 12/31/2015 | City Council Minority Member<br>Dan McGinn   |
| 1 Appointee | One (1) Year 01/01/2015 - 12/31/2015 | City Council President<br>H. Dan Adams       |
| 1 Appointee | One (1) Year 01/01/2015 - 12/31/2015 | City Council Finance Chair<br>Conor O'Daniel |

## COMMISSION ON THE SOCIAL STATUS FOR AFRICAN AMERICAN MALES

Appointing bodies shall strive to make their respective appointments in hopes that the Commission may be made up of the following persons:

- (i) A member of the City Council. (Currently filled by Connie Robinson)
- (ii) A member of the City Administration.
- (iii) A representative from a college, university or trade school located in Vanderburgh County.
- (iv) A representative from a local hospital.
- (v) A representative from a labor organization, union or trade organization
- (vi) A representative from local neighborhood association, grass roots representatives or persons who have shown that they are community-based and oriented.

**Must live in City limits**

|             |                          |                                 |
|-------------|--------------------------|---------------------------------|
| 1 Appointee | <b>Marcus Hester</b>     | 2 years 01/01/2015 - 12/31/2016 |
| 2 Appointee | <b>Leonard Collins</b>   | 2 years 01/01/2015 - 12/31/2016 |
| 3 Appointee | <b>Bradley Dotson</b>    | 2 years 01/01/2015 - 12/31/2016 |
| 4 Appointee | <b>RaSheedah Jackson</b> | 2 years 01/01/2015 - 12/31/2016 |

**President Adams:** We've had four different people that were kind enough to say that they were going to serve (See above). Are there any other suggestions and are there any challenges for that? Okay, great.

## ELECTRICAL EXAMINERS BOARD

**President Adams:** The **Electrical Examiners Board:** W. P. Prather. I thought he was incredibly well suited for this thing so if there's not any of that...

**Five (5) years-experience in the Electrical Trade**

|             |              |                                |
|-------------|--------------|--------------------------------|
| 1 Appointee | W.P. Prather | 1 year 01/01/2015 - 12/31/2015 |
|-------------|--------------|--------------------------------|



## EVANSVILLE ECONOMIC DEVELOPMENT COMMISSION (EECD)

**President Adams:** We're coming down to the Evansville Economic Development Commission And we have two people: Ryan Beal and John Townsend. There's an N in that last word. Anybody want to talk toward Beal.

**Councilman Lindsey:** *(Off Mic)* I've known Ryan for quite a while. He was *(Inaudible)*. He's a...you know, *(Mic On)* he'll do a good job for us.

**President Adams:** Okay. John Townsend is my next door neighbor. I've known him for 25 years. He's in his late 40s. He's married; he's happy. I don't even know what political thing he is but he is a small business owner and a very successful one and I would...I personally would nominate him so if there is a...

For Ryan Beal do we have a second? You're nominating Ryan?

**Councilman O'Daniel:** And I'll second.

**President Adams:** Okay, we have a second. And we do...I'm nominating...is there a second for...

**Councilman O'Daniel:** And I'll second Mr. Townsend.

**President Adams:** Mr. Townsend?

**Councilman O'Daniel:** I'll second Mr. Townsend.

**President Adams:** Okay, great. All those in favor of Ryan Beal? *(Unanimous Ayes)* Any nays? Good. Okay, Ryan Beal's it.

*Appointee is nominated by  
CC to the Mayor for his  
Appointment*

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1 Nominee **Ryan Beal** Balance 01/01/2015 - 01/31/16

**President Adams:** We've already done the **Evansville Redevelopment Commission**. I think that's working very well. Thank you Stan, I really appreciate what you and Cheryl are doing.

## EVANSVILLE URBAN ENTERPRISE ASSOCIATION BOARD

**President Adams:** The Urban Enterprise; that's...do we have a...don't think we have one for That.

**Councilwoman Brinkerhoff-Riley:** We're working on it. We have, historically, been unable to fill the Republican Zone Resident. That is empty and been empty; that's nothing new to this *(Inaudible)*.

**President Adams:** There just aren't any republicans in the business zone?

**Councilwoman Brinkerhoff-Riley:** That's just nothing new to this Council.

**Councilman McGinn:** Yeah, I thought I had someone to at least suggest but she lives about four blocks at of it.

**President Adams:** Okay.

**Councilwoman Brinkerhoff-Riley:** And I had worked on Greg Stillwell, who is both a Republican Zone resident and a business owner and didn't get it.

**President Adams:** Sure, yeah. He'd be a great one.

**Councilwoman Brinkerhoff-Riley:** He didn't take it and so...

*Speaking Simultaneously*

**President Adams:** Well guess what guys...

**Councilwoman Brinkerhoff-Riley:** I reached out Allan Jones, who is the director there regarding a business in the zone so I'm working on it.

**President Adams:** Okay. Well, you know, we just got to keep on trucking, you know, just keep on going here.

## **HUMAN RELATIONS COMMISSION**

**President Adams:** We've got two candidates: Brenda Pittman and Alex Burton. I think that'll be great. Any comments on that appointment?

1 Appointee: **Brenda Pittman** 2 years 01/01/2015 - 12/31/2016

2 Appointee: **Alex Burton** 2 years 01/01/2015 - 12/31/2016

## **GREENWAY ADVISORY BOARD**

**President Adams:** Greenway Advisory Board: Jonathan Weaver. Any other comments on that one?

**Councilman O'Daniel:** I nominate Stephanie. She's sort of their resident share the road person. I think that would be a...she'd be a good choice for that.

**President Adams:** Is there a second?

**Councilman Lindsey:** *(Off Mic)* I'll second it.

**President Adams:** I'm sorry?

**Councilman Lindsey:** *(Off Mic)* I'll second it.

**President Adams:** Okay, is there a nomination for Mr. Weaver?

**Councilman Weaver:** Yeah, I'll bob.

**Councilwoman Mosby:** And I would like to say, Jonathan does go to his meetings.

**Councilman Weaver:** Yeah, one requirement should be to show up. Parks Board...

**President Adams:** I absolutely agree. I absolutely agree.

**Councilwoman Mosby:** And unfortunately the other nominee has not been showing up to different things that she's been appointed to so I would like to nominate Jonathan Weaver.

**President Adams:** 80% of the success rate in the world is showing up. A student can get one grade higher if he just goes to class. That's true in graduate school too.

Okay, so you nominate Mr. Weaver and I second it. We'll have a vote on...my colleague, Brinkerhoff-Riley: All those in favor? Opposed?

Okay, that's a win of 6 - 3. Is that correct or would you rather have a roll call?

**Councilman O'Daniel:** 6 - 3 or 5 - 4. I think it was 5 - 4.

**Council Attorney Danks:** 5 - 4.

**President Adams:** 5 - 4.

**Councilman O'Daniel:** It was 5 - 4 for Stephanie.

**President Adams:** I apologize, excuse me. Okay, 5 - 4.

1 Appointee: **Stephanie Brinkerhoff-Riley** 1 year 01/01/2015 - 12/31/2015

## **INFORMATION TECHNOLOGY ADVISORY COUNCIL (ITAC)**

**President Adams:** Information Technology: Brent Jackson; he looks eminently qualified for that. I thought that was great. I really love these résumés guys. It really helps us to see where these people are and what they're doing.

1 Appointee: **Brent Jackson** Balance 01/01/2015 - 12/31/2015

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## **MBE/WBE UTILIZATION BOARD**

**President Adams:** MBE/WBE Utilization Board: Alex Mauer was a late entre. It looks very capable of doing that.

**Councilman O'Daniel:** Mauer. It's Mauer I think, wasn't it? Was it Mauer?

**President Adams:** Mauer, yeah. Okay.

1 Appointee: **Alex Mauer** 2 years 01/01/2015 - 12/31/2016

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## **METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE**

**President Adams:** The Metropolitan Organization Policy Committee; we have three candidates: Jack Corn, Ms. Brinkerhoff-Riley, and Craig Miller.

**Councilwoman Robinson:** I'll make a motion for Jack Corn.

**President Adams:** Okay.

**Councilwoman Mosby:** Second that.

**President Adams:** And is there a motion for Ms. Riley?

**Councilman O'Daniel:** Yes, I'll make that motion.

**President Adams:** And a second?

**Councilwoman Robinson:** Second.

**President Adams:** Okay, I will nominate Craig Miller. Anybody want to second that?

**Councilwoman Mosby:** Second.

**President Adams:** Okay, I will say as an aside, Mr. Corn has a few medical issues which hopefully will resolve themselves easily without any problem so I would have you keep the résumé and Mr. Miller if he's not successful in case that becomes...which I...God forbid it would, become something more serious.

Okay, all those in favor of Jack Corn say aye. Nays?

Okay, Ms. Brinkerhoff-Riley, all those in favor say aye. Any nays? I'll say nay because I like Craig Miller.

All those in favor of Craig Miller say aye. Good. Aye, one aye? Two ayes, going for three.

Okay, here we go; Jack Corn and Ms. Brinkerhoff-Riley are our new MPO policy committee people.

|   |                                |
|---|--------------------------------|
| 1 Appointee: <b>Jack Corn</b>                   | 1 year 01/01/2015 - 12/31/2015 |
| 2 Appointee: <b>Stephanie Brinkerhoff-Riley</b> | 1 year 01/01/2015 - 12/31/2015 |

### **MESKER PARK ZOO AND BOTANICAL GARDEN ADVISORY BOARD**

**President Adams:** Mesker Park Zoo Botanical Garden Advisory Board: Dan McGinn; we must be able to replace him. He doesn't know anything about...he only lives and breathes zoo air. But at any rate, yeah okay, I think he's an acceptable replacement for us.

|                                |                                |
|--------------------------------|--------------------------------|
| 1 Appointee: <b>Dan McGinn</b> | 1 year 01/01/2015 - 12/31/2015 |
|--------------------------------|--------------------------------|

### **TREE ADVISORY BOARD**

**President Adams:** This is kind of interesting, the Tree Advisory Board...I don't know if you guys looked at these résumés but they are three incredibly capable people for this particular spot. I personally had about 40 minutes with John Scott Foster last year and was capable to be overwhelmed by his vision on the Wesselman Woods thing and I think this guy really knows his stuff in flora and fauna stuff so I personally would love John Foster...get the assessment.

**Councilman O'Daniel:** I'll second your motion.

**President Adams:** Okay, is there anybody who wants to speak up for Engelbrecht and Gadau?

By acclamation then I think Scott Foster...John Scott Foster is our guy there.

|                                       |                                 |
|---------------------------------------|---------------------------------|
| 1 Appointee: <b>John Scott Foster</b> | Balance 01/01/2015 - 12/31/2015 |
|---------------------------------------|---------------------------------|

## **WNIN BOARD**

**President Adams:** The WNIN Board: Jonathan Weaver.

**Councilwoman Robinson:** I'd like to nominate Councilman O'Daniel.

**President Adams:** Any second.

**Councilman Lindsey:** Second.

**President Adams:** Okay, anyone like to nominate Mr. Weaver? I'd like to nominate Mr. Weaver. Any second.

**Councilwoman Mosby:** Second.

**President Adams:** Okay. All those in favor my colleague to my left say aye. Opposed? Three nays, 6 - 3. Okay.

1 Appointee: **Conor O'Daniel** 1 year 01/01/2015 - 12/31/2015

**President Adams:** All right, I think that's it and so what I need is a...let's see if I can do this right.

I entertain a motion to accept the City Council appointments.

**Councilman Lindsey:** So moved.

**Councilman O'Daniel:** I'll second.

**President Adams:** Okay, we have a second and a...excuse me, a motion and a second. All those in favor of this particular City Council appointment say aye. Okay.

And I entertain the Evansville Economic Development Commission, the EEDC, has a separate nomination. If you'll go back to your things, and where is that? Yeah, here it is. We've already voted on that. We've got Ryan Beal.

**Councilman O'Daniel:** Right.

**President Adams:** So I will, excuse me, kind of a novice at this. So I will entertain a motion to accept the nomination of Ryan Beal to this...to the Economic Development Commission.

**Councilman O'Daniel:** So moved.

**President Adams:** And a second?

**Councilwoman Brinkerhoff-Riley:** Second.

**President Adams:** Okay, we've got a motion and a second. All those in favor? Great, okay. This is quite painless, isn't it? Okay, let's move along.

We then come upon the Board & Commission appointments for the Mayor appoint...the mayoral appointments and he has come forth with us.

**Board & Commission Appointments – Mayoral Appointments**  
***Appointed by the Mayor with the Advice and Consent of the Common Council***

**ANIMAL CONTROL & EDUCATION COMMITTEE**

- 1) Lisa DeLucio
- 2) William B. Kramer, Jr.
- 3) Jay Lindsey
- 4) Darla Milligan

**HISTORIC PRESERVATION COMMISSION**

- 1) Dan DeYoung
- 2) Brian Wildeman

**PORT AUTHORITY OF EVANSVILLE BOARD OF DIRECTORS**

- 1) Jack Buttram
- 2) Dave Evans
- 3) Bill Garret
- 4) Roger Griffin
- 5) Edmund Hafer
- 6) Pat Wathen
- 7) Talmadge Vick

**President Adams:** I entertain a motion to approve the appointments made by the Mayor.

**Councilman O'Daniel:** I assume these have been vetted for being all city...

**President Adams:** I have no idea. You'll have to ask the Mayor or perhaps...

**Unidentified Speaker:** *(Off Mic)* Yes.

**President Adams:**...my esteemed colleague?

**Councilman O'Daniel:** *(Inaudible)* Very well.

**President Adams:** That's a nod both legal and administrative counsel so I'll take that as a yes, okay. Okay, great.

All those in favor? Any opposed? So passes.

**President Adams:** Is there any possible additional Miscellaneous Business here tonight? It's 8:27, what not?

**Randy Jones:** *(Off Mic)* Why not?

**President Adams:** Why not? One more once. I would be lost if you hadn't come up here to ask me something.

**Randy Jones:** *(Off Mic) (Inaudible)*

**President Adams:** Sure. I'll give you three minutes so be parsimonious with your speech.

**Councilman O'Daniel:** I think he's setting his own clock *(Inaudible)*.

**President Adams:** Be laconic.

**Randy Jones:** I most certainly am. Randy Jones, Oak Hill.

**President Adams:** Hi.

**Randy Jones:** I know it and I know that you all just love these questions on these hotels and I just keep. I love the...

**President Adams:** Forget the...wait a minute Randy. Forget the intro; what's your question.

**Randy Jones:** Okay, the question is what happened to contract with HCW to build the 71 million dollar complex that we were told we were going to build? We had a contract. What I understand...about that long. I went and looked at it today again. What has



happened to that contract? Does it not exist anymore?

**President Adams:** Well it's my understanding that they couldn't get funding for it so it's in revision, that contract.

**Randy Jones:** Okay.

**President Adams:** I think it's in abeyance. Is that correct?

**Unidentified Speaker:** *(Off Mic)* Correct.

**President Adams:** Yeah.

**Randy Jones:** Great.

**President Adams:** The contract still stands but obviously to meet the tenants of the contract...

**Speaking Simultaneously**

**Randy Jones:** As we all know...

**President Adams:** Wait a minute. You have to get the funding or the contract's void, right?

**Randy Jones:** Then it should start from the beginning.

**President Adams:** Yeah, okay. I'm not a lawyer but I...

**Randy Jones:** I'm not either. Second of all, Old National Bank made a commitment of 14 million, which I understood it was 14 million for that project, correct?

**President Adams:** Originally it was 13 million.

**Randy Jones:** Thirteen million.

**President Adams:** Yeah.

**Randy Jones:** Now we're told that they're going to commit 10 million. Is that in writing? Do we have that down now seeing that they reneged on the last one?

**President Adams:** I don't think...I think the verb renege is too strict a definition  
*(Inaudible)*

**Speaking Simultaneously**

**Randy Jones:** Well I stand corrected on that then.

**President Adams:** I think the evaluation didn't work out.

**Randy Jones:** The evaluation, okay let's go that route then.

**President Adams:** Yeah.

**Randy Jones:** So how do we know...right now we had a 71 million-dollar project that we're going to spend 20 million for. What I understand we're getting a 31 million-dollar project that we're going to spend 20 million for. Am I correct?

**President Adams:** No, no. You're mixing up. The 20 million was for the improvements plus our seven million-dollar investment into the thing.

**Randy Jones:** Okay.

**President Adams:** They're improvements like the skyway and so forth like that.

**Randy Jones:** So what's the estimated cost on that now because they have got to have went up also. I mean are we going to be able to do this project for what...the 16 million now because that's, you know, had that been bid out? Has that gone up now or...

**Councilman O'Daniel:** I don't think we know the answer to that.

**President Adams:** Yeah, right. When we know the answer and I promise you, you will.

***Speaking Simultaneously***

**Councilman O'Daniel:** That's what their...hence they're going back to the drawing board.

**Randy Jones:** I do know the answer that if you guys don't take some kind of action, you won't have any say on whether this get built or not. Am I correct on that?

**President Adams:** We have already committed, I believe appropriately, 20 million dollars for the entire project. I think we owe it to the Administration to let them dance around and re...

***Speaking Simultaneously***

**Randy Jones:** Okay, well that's...

**President Adams:**...negotiate (*Inaudible*).

***Speaking Simultaneously***

**Randy Jones:** I had 27 (*Inaudible*).

**President Adams:** Wait a minute...didn't make it the first time and we'll see whether it Make it the second time.

**Randy Jones:** Okay.

**President Adams:** If it doesn't work out and they have to get a new developer we have a whole new ballgame and we start from square-one again.

**Randy Jones:** Well that was 27...

**President Adams:** Is that correct? Is that a fair assumption, gentlemen?

**Unidentified Speaker:** *(Off Mic)* It is.

**President Adams:** Thank you.

**Randy Jones:** Well I had 27 blogs why I was...while the mayor was talking. That's why I asked. Second of question and last and I've...

**President Adams:** That's your third...

**Randy Jones:** ...got 30 seconds! All right, I've got 30 seconds. Does this Council represent every working person in this City of Evansville and every business in this City of Evansville? Do you represent everyone?

**President Adams:** I believe people represent their wards. The At Large people vote...represent every human being in this this City.

**Randy Jones:** I have a gentleman that has a private business and he was wondering why is it that every time there's a contract it has to be labor union and not just bid out to everyone that can...every individual that owns individual businesses and all that.

**President Adams:** To my knowledge, I could be wrong,...

**Randy Jones:** I mean that's all we ever hear.

**President Adams:** Wait a minute. From my knowledge it's an open bid...

**Randy Jones:** Okay.

**President Adams:**...and the...all the unions want is a fair chance to bid for the project...

**Randy Jones:** Well that's good then but everyone's allowed to bid?

**President Adams:** I personally believe...I'm going to make people angry here. I happen to think that union people deliver quality work, on time, and sometimes under budget.

***Speaking Simultaneously***

**Randy Jones:** Well I was a member of the Local 808 and also 215 so I'm not having anything against it. If I work at a union place I will be a union member.

***Speaking Simultaneously***

**President Adams:** Does any anybody want to...does anybody...please.

**Councilman McGinn:** From my experience bidding the contracts when I was a department head, there are certain times when public money is used and the contract is in excess, I think, of \$75,000...

**Councilman O'Daniel:** Uh-huh, it must be...

**Councilman McGinn:**...it has to be, the state law requires that whoever bids on it has to pay what is called Common Construction Wages, which is basically established by a council and those are the wages used by unions so they have to pay union wages.

**Randy Jones:** Okay, that was his question. My time's up. Thank you.

**President Adams:** But that does not mean a private company can't get the bid.

**Randy Jones:** Okay, thank you.

**President Adams:** Okay, thank you so much.

Great, any other topics tonight?

**Councilwoman Robinson:** I have one question...

**President Adams:** Terrific.

**Councilwoman Robinson:**...and I don't want you to shut me down because I know how you will.

**President Adams:** No, no, no.

**Councilwoman Robinson:** I've had a couple Councilmembers ask me about the Brownfields Corporation and Kelley, maybe you can help, it's still some people on the board

that reside outside of the City of Evansville and I think you had told me that it doesn't fall under.

**DMD Executive Director Coures:** *(Off Mic)* I was told by Council that it did not fall under the purview of that ordinance because Brownfields Corporation is a separate 501(c)3 organization.

**Councilwoman Robinson:** Are the board members appointed by the Mayor?

**DMD Executive Director Coures:** *(Off Mic)* Two; you are appointed and the presidents are appointed by the Mayor. The others are appointed by various entities: Growth Alliance for Greater Evansville, Vectren, and then appointed by board itself.

**President Adams:** Do you want to challenge that?

**DMD Executive Director Coures:** *(Off Mic)* But there are two appointments by the Mayor.

**President Adams:** We're talking legal stuff here.

**DMD Executive Director Coures:** *(Off Mic)* I'm a non-attorney spokesperson.

**President Adams:** Yeah, me either.

**Council Attorney Danks:** That's quite apparent.

*Laughter*

**Council Attorney Danks:** I'll discuss this, if I may.

**President Adams:** Please.

**Council Attorney Danks:** I'll discuss this privately with Mr. Ziemer. We've not had a chance to talk and I think we have a lot of issues to resolve but the ordinance, if I recall correctly, says appointments to, among various other things, corporations. That we tried to make it cover all appointments from the Council and the Administration so, in my opinion, that it would apply to that appointment as well. It doesn't matter that it's a not-for-profit corporation; it's an appointment for the Administration but I'd like to have a chance to discuss that Mr. Ziemer; we've not had a chance, and I think there's some issues on other boards as well. But that's something I'd like to...

**President Adams:** So, my esteemed colleague...

**Council Attorney Danks:** In my opinion it's out of...

**President Adams:** My esteemed colleague, can you wait this...

**Councilwoman Robinson:** Oh, yes.

**President Adams:**...is worked out.

**Councilwoman Robinson:** Yes, I'd like to make sure everything's legal.

***Speaking Simultaneously***

**President Adams:** I know you need...you like instant gratification but could you wait, perhaps, for just a short while?

**Councilwoman Robinson:** Sure, delayed gratification.

*Laughter*

**President Adams:** Okay, thank you my dear.

All right, any other comments about anything else that we need to talk about tonight because, you know, we aren't too tired and this hasn't gone too long? Any comments, please, from the crowd or any of us?

Thank you all for staying here tonight. I know this has been arduous and thank you.

I would entertain...well wait a minute... Committee Reports.

#### **COMMITTEE MEETINGS SCHEDULED FOR FEBRUARY 9, 2015**

##### **FINANCE COMMITTEE**

Re: **Ordinance G-2015-1**

Time: 5:20 p.m.

Notify: Scott Danks

##### **CHAIRMAN CONOR O'DANIEL**

Authorizing Various Accounts in the City of Evansville, Indiana and Requiring Disclosure of Transfers

##### **PUBLIC WORKS COMMITTEE**

Re: **Ordinance G-2015-2**

Time: 5:25 p.m.

Notify: Scott Buedel, Cash Waggoner & Associates

##### **CHAIRMAN AL LINDSEY**

Vacate Portion of the Right-of-Way of Bower Avenue lying East of South Bosse Avenue in Industrial Addition Along with a Portion of a 12-Foot Alley Lying East of Lots 14, 15, 16, & 17 in Industrial Addition and also a portion of a 12-Foot Alley Lying East of Lots 1, 2, & 3 in Block 15 In Industrial Addition

**A.S.D. COMMITTEE**

No meetings scheduled at this time.

**CHAIRMAN STEPHANIE BRINKERHOFF-RILEY**

**ADJOURNMENT**

**President Adams:** I'll entertain a...

**Councilman Friend:** So moved.

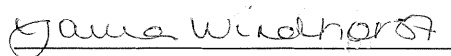
**President Adams:**...adjournment motion.

**Councilman McGinn:** Second.

**President Adams:** All those in favor?

Thank you so much for being here this evening.

Meeting adjourned at 8:36 p.m.

  
Laura Windhorst, City Clerk

  
H. Dan Adams, President